

18:00 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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UNITED STATES OF AMERICA (NUMBER 3: 04-240-G

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VERSUS

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HOLY LAND FOUNDATION, ET AL. (July 18, 2007

18:00 8

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VOLUME 3
VOIR DIRE EXAMINATION
BEFORE THE HONORABLE A. JOE FISH

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A P P E A R A N C E S:

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MR. BARRY JONAS
MS. ELIZABETH SHAPIRO
MR. NATHAN GARRETT
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18:00 1

P R O C E E D I N G S :

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THE COURT: Good morning, Ladies and Gentlemen.

3

Thank you for being on time. Before we get started, I

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wanted to pass along to you a couple of tidbits of

5

information that were given to me after recess.

6

First, I was asked to caution counsel who are

7

questioning the venire to please stay near the microphone.

8

As I think I have told all of you before, we have a remote

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courtroom here which is really set up for the media, and I

10

think some of them have been utilizing it, and there was a

11

point during the questioning yesterday that counsel got

12

too far away from the microphone, and they could not hear

13

the questioning. That's Point 1.

14

And I don't know the answer to that because I

18:00 15

know you are under time limits, but the jury administrator

16

reported that several people who were questioned yesterday

17

complained when they got downstairs, particularly Ms.

18

Medina, that they couldn't get a word in edge-wise, that

19

apparently some of them had pre-planned vacations, and

20

they wanted to tell us about that, but they didn't have an

21

opportunity. So if you feel you can spare the time from

22

your questioning to ask about things of that nature, it

23

might be a good thing to do.

24

Mr. Kiblinger, I think we're ready to see our

25

first member of the venire, Mr. Torrez.

18:00 1 Good morning, Mr. Torrez. Counsel for the
2 parties have some questions this would like to ask you
3 about this case.

4 MS. MORENO: Thank you, your Honor. Mr. Torrez,
5 my name is Linda Moreno. I'm one of the defense attorneys
6 in this case. I want to ask you some questions about the
7 questionnaire you filled out a couple of weeks ago. I
8 want to ask you about anything you think you might have
9 heard about this case. I want to talk to you a few
10 minutes.

11 First of all, I see in your questionnaire that
12 you are unemployed. So my first question to you is this
13 case is going to take three to four months. Maybe longer,
14 maybe less. Is that going to impose any kind of economic
18:00 15 hardship for you?

16 VENIRE PERSON: No. Right now I am unemployed,
17 and I take care of my daughter and my father. My father
18 has cancer. I just help him.

19 MS. MORENO: I'm so sorry to hear that. I
20 understand your situation.

21 So I guess my question is unnecessary. Have you
22 any pre-planned vacations?

23 VENIRE PERSON: No.

24 MS. MORENO: Are you fluent in Spanish?

25 VENIRE PERSON: Yes, ma'am.

18:00 1 MS. MORENO: Have you had an experience where
2 someone was translating a sentence or a paragraph to you
3 from Spanish to English and the words were accurate, but
4 the meaning was off?

5 VENIRE PERSON: Yes, I have.

6 MS. MORENO: Can you think of any examples of
7 that?

8 VENIRE PERSON: Not a certain example but I can
9 tell you where I did experience that is where I would take
10 a trip to Ruidoso and my friend, we went to his family,
11 and it was mainly a lot of Spaniards.

12 MS. MORENO: From Spain?

13 VENIRE PERSON: Blonde and blue eyed. Their
14 Spanish is just so proper it's completely different from
18:00 15 what I'm used to as far as the Spanish over here which is
16 pretty much broken. And he would be telling me something.
17 And what I'm thinking, I'm hearing he's telling me
18 something different. There is Spanish words that have
19 multiple meanings, a lot of words do, and their words,
20 yeah, it has one true meaning that we're used to. And it
21 did throw me off a little bit.

22 MS. MORENO: So you have had that experience?

23 VENIRE PERSON: Yes.

24 MS. MORENO: Thank you.

25 You have a cousin who's a prosecutor?

18:00 1 VENIRE PERSON: Yes.

2 MS. MORENO: Where is that?

3 VENIRE PERSON: Somewhere near El Paso. He was
4 in Laredo.

5 MS. MORENO: Are you close?

6 VENIRE PERSON: I mean we grew up together. But
7 you know, we're not like close close, no.

8 MS. MORENO: Well, the reason I asked such a
9 private question -- if you are close to your cousin -- is
10 what we're talking about here is to try to find jurors who
11 can be fair, open, who don't come to this process with any
12 baggage, with any prejudices or preconceived notions. And
13 so my question is, is your relationship with your cousin
14 who's in law enforcement going to color the way you look
18:00 15 at this case?

16 VENIRE PERSON: No, it would not. Once he
17 passed the bar exam and everything, became a DA, he has
18 been so busy with his job we have become more distant than
19 ever. We rarely talk, maybe once a month.

20 MS. MORENO: Do you know any Muslims?

21 ?

22 VENIRE PERSON: A couple. Not too well.

23 MS. MORENO: I'll ask you this question also
24 because these gentlemen are Muslim, and this case involves
25 the Holy Land Foundation charity which is an American

18:00 1 Muslim charity. So I need to know if you have had any
2 unpleasant experiences in your life with Muslims.

3 VENIRE PERSON: No.

4 MS. MORENO: How about with persons of Arab
5 descent?

6 ?

7 VENIRE PERSON: No.

8 MS. MORENO: Let me ask you a media question.
9 This is the case of the Holy Land Foundation which as I
10 said is an American Muslim charity, and I want to know if
11 you have heard anything about it in the media, read
12 anything about it?

13 VENIRE PERSON: I haven't even watched TV the
14 past two or three weeks. I didn't even know what it was
18:00 15 about or anything. Like I said, I'm always volunteering
16 for grand jury and as far as for me to give back and do my
17 part.

18 MS. MORENO: I appreciate that. I believe you
19 were in the grand jury in 2005?

20 VENIRE PERSON: Yes.

21 MS. MORENO: Where did you sit?

22 VENIRE PERSON: 600 Commerce. I sat at the
23 back.

24 MS. MORENO: But you were in a grand jury?

25 VENIRE PERSON: Right.

18:00 1 MS. MORENO: Anything about that experience that
2 was negative?

3 VENIRE PERSON: No. Some of the cases we
4 decided to bill or true bill or no bill they are heart
5 breaking. It takes a majority of us.

6 MS. MORENO: Yeah, to do your duty as a citizen.

7 VENIRE PERSON: Yes.

8 MS. MORENO: Thank you so much, Mr. Torrez.

9 THE COURT: Counsel for the government?

10 MS. SHAPIRO: Good morning, I'm Liz Shapiro.
11 I'm counsel for the government, and I have a few follow-up
12 questions for you. You said on your questionnaire you are
13 married.

14 VENIRE PERSON: Legally married but separation.

18:00 15 MS. SHAPIRO: So when you talked about the
16 separation on your questionnaire, that's what you were
17 referring to?

18 VENIRE PERSON: Yes, right.

19 MS. SHAPIRO: And you said on your
20 questionnaire there were problems during that process.

21 VENIRE PERSON: Yes.

22 MS. SHAPIRO: Has that been resolved?

23 VENIRE PERSON: Completely for my little girl's
24 sake.

25 MS. SHAPIRO: You have a three year old

18:00 1 daughter?

2 VENIRE PERSON: Yes, sir.

3 MS. SHAPIRO: Does she live with you or her
4 mother?

5 VENIRE PERSON: Joint custody. She resides with
6 me mainly. It's on the paperwork. Her main residence is
7 with me.

8 MS. SHAPIRO: And if you were to serve on this
9 case for a period of four months, would there be a problem
10 of child care?

11 VENIRE PERSON: No, ma'am.

12 MS. SHAPIRO: You have that all taken care of?

13 VENIRE PERSON: Yes.

14 MS. SHAPIRO: And you said you worked for the
18:00 15 Postal Service?

16 VENIRE PERSON: Yes, ma'am. I did. During the
17 separation that's when -- I couldn't take any more stress
18 from my job as well. So I had to walk away from it at
19 that point in time.

20 MS. SHAPIRO: What was it that you were doing
21 when you were working for the Postal Service?

22 VENIRE PERSON: Window clerk.

23 MS. SHAPIRO: So you were dealing with
24 customers?

25 VENIRE PERSON: Correct.

18:00 1 MS. SHAPIRO: How long did you do that?

2 VENIRE PERSON: March in 1998. I believe I
3 worked to October.

4 MS. SHAPIRO: And before you worked for the
5 Postal Service, where did you work before that?

6 VENIRE PERSON: Odd jobs, warehouse jobs and
7 just about anything and everything.

8 MS. SHAPIRO: You were talking to Ms. Moreno
9 about your grand jury service, was there anything at all
10 about your service on the grand jury that would affect
11 your ability to hear all the evidence and judge this case
12 fairly?

13 VENIRE PERSON: No, ma'am. It would actually
14 benefit me. As I said, you get to view everything from a
18:00 15 different aspect than you would normally in court.
16 Teaching you to look at everything from every aspect, not
17 just the first. So go by the facts of the case.

18 MS. SHAPIRO: Okay. Ms. Moreno also talked to
19 you about the situation in a foreign language where there
20 might be a word that is translated or can have different
21 meanings, and you were giving us an example of one of
22 those. In this case, there would be translations that
23 will be introduced of documents that are in the Arabic
24 language or Hebrew language. If those translations are
25 admitted in this case, would you be able to accept that

18:00 1 translation?

2 VENIRE PERSON: I would have to get every
3 aspect -- as far as what meanings of words would mean.
4 What transmissions it came in and what text it's being
5 used. I have to know every meaning. I would like to know
6 the meaning of the word, what it would mean in slang,
7 proper. That way I can make a judgment, not go by what I
8 was hearing.

9 MS. SHAPIRO: If you are given a document and
10 that's the translation the Judge admits in the case and
11 that's the only translation you may see, would you be able
12 to accept that as the translation of the document?

13 VENIRE PERSON: Honestly I wouldn't because if I
14 know there is -- me being bilingual and everything, I know
18:00 15 Spanish has multiple meanings to words. I'm not going to
16 feel comfortable unless I have knowledge of what that word
17 means. I'm not going by just the first thing I see or
18 hear. I'm not going to be comfortable with that.

19 MS. SHAPIRO: If the Judge were to instruct you
20 that this translation was the evidence in the case and
21 that you are only to consider that translation, is that an
22 instruction you could follow?

23 VENIRE PERSON: Of course, I mean, if that's
24 what he wants to give me, yeah, I wouldn't have a problem
25 following that aspect if I can't get the other details on

18:00 1 it.

2 MS. SHAPIRO: Ms. Moreno didn't actually I
3 believe describe the charges in this case for you. So I
4 wanted you to understand what is actually being alleged
5 here, and it's a case about the government alleges the
6 defendants here provided material support to a designated
7 terrorist organization and that organization is called
8 HAMAS. Have you heard of that?

9 VENIRE PERSON: No, I have not honestly.

10 MS. SHAPIRO: At the end of case, the Judge
11 will give instructions about the law the jury has to
12 follow in deciding the case and as part of that
13 instruction, he may tell you that providing money to a
14 terrorist organization is against the law, even if some of
18:00 15 that money is used to purchase things that you might
16 consider as charity or humanitarian aid like food or books
17 or pack backs for children, something of that nature. Are
18 you okay with that?

19 VENIRE PERSON: Fine. I mean that's why we're
20 here, to make sure that everybody did follow the law.
21 That's why we're here to make the judgment that no law was
22 broken. So yeah, I have no problem with that.

23 MS. SHAPIRO: So if the Judge gave you that
24 instruction, you would be able to follow that?

25 VENIRE PERSON: Yes, ma'am.

18:00 1 MS. SHAPIRO: Thank you very much.

2 THE COURT: Mr. Torrez, we are in the process of
3 talking to the members of the pool from which the jury
4 will be drawn that would hear this case. I expect this
5 process will go on for another day or so. So until you
6 hear from us again, you should not discuss this case with
7 anyone or allow anyone to discuss it with you, and if
8 there are any media accounts of the case, you should not
9 read or watch or listen to any of those.

10 Good morning, Ms. Bailey.

11 VENIRE PERSON: Good morning.

12 THE COURT: Counsel in this case have questions
13 for you.

14 MR. WESTFALL: Good morning, Ms. Bailey. I'm
18:00 15 Greg Westfall. I'm one of the defense lawyers in this
16 case. I am going to speak with you for a few minutes, and
17 then the government will probably have a few questions for
18 you.

19 VENIRE PERSON: All right.

20 MR. WESTFALL: This is the Holy Land Foundation
21 case. It is the United States versus Holy Land
22 Foundation. It involves allegations that Holy Land
23 Foundation and several of the men involved with the
24 Foundation gave material support to a terrorist
25 organization, HAMAS. Having told you that, does that ring

18:00 1 any bells? Have you heard of the case?

2 VENIRE PERSON: Not really. Just on TV a little
3 bit I saw a little something.

4 MR. WESTFALL: Anything you have heard
5 influenced your opinion at all? Do you have any opinions
6 based upon that?

7 VENIRE PERSON: No.

8 MR. WESTFALL: This trial may go as long as four
9 months, maybe a little bit longer than four months. Do
10 you have any pre-planned travel or anything like that?

11 VENIRE PERSON: Yes, I'm supposed to go on a
12 cruise November 11th.

13 MR. WESTFALL: Anything else between now and
14 November 11th?

18:00 15 VENIRE PERSON: No. My husband had a stroke
16 last Friday.

17 MR. WESTFALL: Last Friday?

18 VENIRE PERSON: Yes.

19 MR. WESTFALL: Tell me about that.

20 VENIRE PERSON: He hasn't gone back to work yet.
21 He's doing okay, but I have to be there to monitor his
22 medication.

23 MR. WESTFALL: The Court is intending to meet
24 Monday through Thursday, basically business hours, and
25 then Friday is off. Is that going to pose a problem with

18:00 1 you in helping your husband? Do you have a back-up plan?
2 Do you have anyone else that can help you during those
3 hours?

4 VENIRE PERSON: Also I'm a diabetic. Sometimes
5 I fall asleep a little after I eat something, but not all
6 the time.

7 MR. WESTFALL: All told, do you have the ability
8 to serve on a jury?

9 VENIRE PERSON: Yes, I do.

10 MR. WESTFALL: Do you know any Muslims?

11 VENIRE PERSON: Not really.

12 MR. WESTFALL: Have you ever had any bad
13 experiences with Muslims?

14 VENIRE PERSON: I know the Farakhan was a
18:00 15 Muslim. That's all I know.

16 MR. WESTFALL: Have you ever followed what Mr.
17 Farakhan has done?

18 VENIRE PERSON: Not really.

19 MR. WESTFALL: You are an OR nurse?

20 VENIRE PERSON: Yes.

21 MR. WESTFALL: How long have you been doing
22 that?

23 VENIRE PERSON: Thirty-six years.

24 MR. WESTFALL: Where do you work?

25 VENIRE PERSON: Federal hospital, VA Hospital.

18:00 1 MR. WESTFALL: Do you know a doctor over there
2 by the name of Cadeddu?

3 VENIRE PERSON: No.

4 MR. WESTFALL: What does free speech mean to
5 you? Have you ever thought about your freedom of speech?

6 VENIRE PERSON: That you can speech freely
7 whatever you feel within your heart.

8 MR. WESTFALL: Can you think of a country or a
9 place that doesn't have freedom of speech?

10 VENIRE PERSON: No.

11 MR. WESTFALL: There is speech out there I
12 imagine that you don't like, isn't there? Can you tell me
13 some?

14 VENIRE PERSON: If there is some countries
18:00 15 that --

16 MR. WESTFALL: Speech in our country -- like
17 whether it's music lyrics or flag burning or something --
18 there is speech out there that insults everyone?

19 VENIRE PERSON: It doesn't offend me.

20 MR. WESTFALL: Doesn't offend you?

21 VENIRE PERSON: No.

22 MR. WESTFALL: How do you feel about other
23 people being able to say what they want to say?

24 VENIRE PERSON: I'm okay with that.

25 MR. WESTFALL: Is that a right that you value?

18:00 1 VENIRE PERSON: That's a right I value. I
2 wouldn't say I agree with it. But I think everybody is
3 free to have their own speech.

4 MR. WESTFALL: If you were going to set out to
5 suppress somebody's speech, make it where they couldn't
6 say what they wanted to anymore, what would you do?

7 MR. JACKS: Your Honor, I object to that just on
8 the grounds of relevance.

9 THE COURT: Sustained.

10 MR. WESTFALL: Mr. Farakhan. Mr. Farakhan says
11 things that certain people become highly offended at.
12 That's an example of somebody being able to exercise their
13 freedom of speech in this country, isn't it?

14 VENIRE PERSON: Right.

18:00 15 MR. WESTFALL: Do you think Mr. Farakhan should
16 have to stop saying that?

17 VENIRE PERSON: Yes, I do.

18 MR. WESTFALL: Do you think he should have to
19 stop saying what he's saying?

20 VENIRE PERSON: Some of the things he says, I
21 believe so. He should.

22 MR. WESTFALL: Do you think that he should be
23 made to stop saying?

24 VENIRE PERSON: Not necessarily. I just don't
25 have to abide by it.

18:00 1 MR. WESTFALL: How do you feel about being on a
2 case as a juror where -- We're talking about Muslim men,
3 and the allegation has something to do with terrorism.
4 Terrorism is in the title of the charge. What are your
5 thoughts on that?

6 VENIRE PERSON: I don't have to follow it. I
7 can listen to it.

8 MR. WESTFALL: You are okay with it?

9 VENIRE PERSON: I'm okay with it.

10 MR. WESTFALL: What's your favorite thing about
11 nursing?

12 VENIRE PERSON: Caring for the people. You
13 know, making sure they are comfortable and I'm there for
14 them. Letting them know that.

18:00 15 MR. WESTFALL: And you treat mainly veterans?

16 VENIRE PERSON: Yes, always.

17 MR. WESTFALL: Do you like that particular
18 aspect of your work?

19 VENIRE PERSON: Oh, I love it.

20 MR. WESTFALL: Are you treating Gulf War
21 veterans? Do you have veterans that went to Iraq?

22 VENIRE PERSON: Yes, Vietnam, you know, all the
23 wars.

24 MR. WESTFALL: Have you ever heard of HAMAS?

25 VENIRE PERSON: No.

18:00 1 THE COURT: Mr. Westfall, your time has expired.
2 Counsel for the government have questions for Ms. Bailey?

3 MR. JACKS: Yes, your Honor. Good morning, Ms.
4 Bailey. My name is Jim Jacks. I'm an Assistant United
5 States Attorney. I'll be one of the prosecutors in this
6 case that will be representing the government during this
7 trial. I have a few questions myself to ask you if you
8 don't mind.

9 VENIRE PERSON: Okay.

10 MR. JACKS: We have your questionnaire, and then
11 we have another list that contains information that you
12 provided to the jury clerk. You indicated that you are
13 married. What does your husband do?

14 VENIRE PERSON: He's a chemical tech at Texas
18:00 15 Instruments.

16 MR. JACKS: What does that mean? What does he
17 actually do?

18 VENIRE PERSON: The chemical tanks that they
19 bring in, he was to monitor the gauge and different kinds
20 of chemicals that they use for TI for whatever project
21 they are doing.

22 MR. JACKS: How long has he worked there?

23 VENIRE PERSON: Forty years.

24 MR. JACKS: You may have answered this, but how
25 long have you worked at the VA Hospital?

18:00 1 VENIRE PERSON: Thirty-six years.

2 MR. JACKS: How long have you been an operating

3 room nurse?

4 VENIRE PERSON: Twenty-eight years.

5 MR. JACKS: And you have two sons, and I take it

6 they are grown and both out of the house. Do they live in

7 the Dallas area?

8 VENIRE PERSON: Yes, they both live in Dallas.

9 MR. JACKS: It seems like you have traveled

10 quite a bit overseas and out of the country. Were those

11 trips for pleasure or some other?

12 VENIRE PERSON: It was for pleasure.

13 MR. JACKS: And were there multiple trips? You

14 have marked that you have been to Germany and France and

18:00 15 Puerto Rico and Mexico. For example the places in Europe,

16 was that one trip or different trips?

17 VENIRE PERSON: That was one trip.

18 MR. JACKS: And Puerto Rico was a separate trip

19 and Mexico?

20 VENIRE PERSON: Yes, on a cruise.

21 MR. JACKS: You have served on trial juries

22 before. One of them you described as a real estate

23 matter. Do you know whether that was a civil or criminal

24 case?

25 VENIRE PERSON: It was a civil.

18:00 1 MR. JACKS: So two private parties were suing
2 each other or one of them was?

3 VENIRE PERSON: Yes, one of them was.

4 MR. JACKS: And I guess the jury rendered a
5 verdict in that case. And then an earlier case you
6 describe it as Molestation, like child abuse?

7 VENIRE PERSON: Yes.

8 MR. JACKS: Down at the state?

9 VENIRE PERSON: Crowley.

10 MR. JACKS: How long did that trial last?

11 VENIRE PERSON: Five days.

12 MR. JACKS: How long were the jury
13 deliberations?

14 VENIRE PERSON: Probably a day.

18:00 15 MR. JACKS: Were you the foreman of the jury?

16 VENIRE PERSON: Oh, no.

17 MR. JACKS: And you indicated that a nephew of
18 yours by marriage -- Does that mean your husband's side of
19 the family?

20 VENIRE PERSON: Yes.

21 MR. JACKS: -- was convicted of murder. How
22 long ago was that?

23 VENIRE PERSON: This past May.

24 MR. JACKS: And I take it he was sentenced to
25 the penitentiary?

18:00 1 VENIRE PERSON: Yes.

2 MR. JACKS: Did you attend the trial?

3 VENIRE PERSON: As a witness.

4 MR. JACKS: Regarding that experience, how do
5 you think your nephew was treated by the criminal justice
6 system?

7 VENIRE PERSON: I think he was treated fairly
8 well.

9 MR. JACKS: Who was the victim in that case,
10 somebody known to him?

11 VENIRE PERSON: Yes, his first cousin.

12 MR. JACKS: Having been on a criminal jury
13 before, I'm sure you recall that after all the parties
14 have finished presenting evidence and either before or
18:00 15 after, depending on which court it is in, the Judge gives
16 instructions to the jury and tells them what the law is.
17 That would happen as well in this case.

18 The Judge will tell you in his instructions to
19 you that -- You have not heard of HAMAS?

20 VENIRE PERSON: No.

21 MR. JACKS: I anticipate the Judge will tell you
22 that HAMAS is a designated foreign terrorist organization;
23 that is, the United States has designated them a terrorist
24 organization. And I expect the Judge to tell you that a
25 person in the United States cannot give anything to

18:00 1 benefit a foreign terrorist organization, even if it's
2 something that would otherwise be considered a charitable
3 or humanitarian item like food or clothing or books or
4 medical supplies. Even that type of aid or support is
5 against the law. Would you have any problem with that
6 aspect of the law and following that instruction from the
7 Judge?

8 VENIRE PERSON: No, I wouldn't have a problem.

9 MR. JACKS: Thank you.

10 THE COURT: Ms. Bailey, we're in the process of
11 talking to the members of the panel from which the jury
12 will be selected that would hear this case. I expect that
13 process will go on for another day or two. So until you
14 hear from us further, you should not discuss the case with
18:00 15 anyone or allow anyone to discuss it with you, and if
16 there are any media accounts about this case, you should
17 not read or watch or listen to any of those media
18 accounts.

19 Thank you, ma'am, you may excused.

20 Good morning, Mr. Boozer. Counsel for the
21 parties in this case have some questions they would like
22 to ask you. Mr. Westfall.

23 MR. WESTFALL: Good morning, Mr. Boozer. I'm
24 Greg Westfall. I'm one of the defense lawyers in this
25 case. I am going to speak with you a few minutes. Okay?

18:00 1 VENIRE PERSON: Okay.

2 MR. WESTFALL: This case is the United States
3 versus the Holy Land Foundation. Have you heard of it?

4 VENIRE PERSON: I might have hit it in the
5 headlines of the paper.

6 MR. WESTFALL: It involves allegations that the
7 Holy Land Foundation which was an American Muslim charity,
8 and some of the men who work with that charity gave
9 material support to HAMAS which is a foreign terrorist
10 organization. Having told you that, ring anymore bells or
11 different bells than it did before?

12 VENIRE PERSON: The extent of my knowledge would
13 be that I glance at the newspapers most days, and I do
14 recall some arrests, and I don't know that I got the
18:00 15 details, and I don't know the time frame. A couple of
16 years ago, there was some arrests made in Richardson, the
17 area or something like that, and beyond that I would know
18 zip.

19 MR. WESTFALL: That's the same one. Based upon
20 anything you have read or heard, have you reached any
21 opinions about the guilt or innocence of anyone?

22 VENIRE PERSON: No.

23 MR. WESTFALL: Let's focus for a second on
24 hardship. And by hardship I mean something that would
25 make it difficult, if not impossible, something like you

18:00 1 are going to lose your job. I know you put in a hardship.

2 VENIRE PERSON: It's not a hardship letter.

3 It's just my schedule is such. I'm a pilot, and as such I
4 needed to know what days I would be needed to be here so I
5 could schedule it. After that there was no problem.

6 MR. WESTFALL: So if this thing goes four
7 months, you are not going to have a problem with that?

8 VENIRE PERSON: No.

9 MR. WESTFALL: No problem with prepaid vacations
10 or anything like that?

11 VENIRE PERSON: No.

12 MR. WESTFALL: How long have you been a pilot?

13 VENIRE PERSON: Fifteen years.

14 MR. WESTFALL: Did you learn in the military

18:00 15 or --

16 VENIRE PERSON: Civilian.

17 MR. WESTFALL: In American Airlines, I would
18 imagine they have probably had some training since 9-11
19 that has to do with terrorism?

20 VENIRE PERSON: I'm with American Eagle which is
21 the stepson of American. But it's minor in nature. They
22 go over certain cases and tell us okay, for example, any
23 time there is any situation at all, you lock the door.
24 That's basically -- And then they go over certain
25 situations that have occurred in the past. As an example,

18:00 1 used to be before 9-11 you did whatever somebody that was
2 getting on board -- you tried to comply. Now, you just
3 close the door and land. So that's the extent of it.

4 MR. WESTFALL: Do they teach you anything like
5 profiling or what someone looks like that you are supposed
6 to be suspicious of?

7 VENIRE PERSON: I wouldn't call it profiling. I
8 would say that more attune to listening to uneasiness of
9 anyone -- the flight attendants, the other crew members,
10 something you heard in the airport, something through
11 security or saw in the newspapers, etcetera.

12 MR. WESTFALL: Have you had any incidents where
13 you had to lock the door and immediately land the plane?

14 VENIRE PERSON: No.

18:00 15 MR. WESTFALL: Anyone you know had that?

16 VENIRE PERSON: No one I know. I have heard of
17 instances where this has happened, but no one I do know.

18 MR. WESTFALL: I saw you went to Iran back in
19 the seventies.

20 THE DEFENDANT: Yes, sir.

21 MR. WESTFALL: I guess the Shah was still in
22 power then?

23 VENIRE PERSON: He was out of the country sick
24 at the time, but yes.

25 MR. WESTFALL: Nowadays do you know any Muslims?

18:00 1 VENIRE PERSON: The only guy I know is I traded
2 at a gas station with a guy. I'm not sure he is Muslim or
3 not.

4 MR. WESTFALL: But he's Arab?

5 VENIRE PERSON: I think he told me he's from
6 Iran. So I know he's from Iran because we talked about
7 that.

8 MR. WESTFALL: Sounds like that may be a fairly
9 pleasant experience.

10 VENIRE PERSON: Yes, he's a nice guy.

11 MR. WESTFALL: Have you ever had any bad
12 experiences with Muslims or Arabs?

13 VENIRE PERSON: No, sir, not that I know of.

14 MR. WESTFALL: Any particularly good things?

18:00 15 VENIRE PERSON: Good mechanic. I mean he
16 repairs my truck. But that's the extent of it.

17 MR. WESTFALL: I probably don't need to ask you
18 this, but how do you feel about the prospect of being on a
19 jury where we're talking about Muslim men and the charge
20 has terrorism in the title?

21 VENIRE PERSON: That's a pretty simple question.
22 I think I am fair enough that I let the facts on whatever
23 the case is stand up. I don't have that many
24 preconceptions on things. I listen to what the people
25 say, and from that I will go ahead and make a decision.

18:00 1 MR. WESTFALL: Been on a jury before?

2 VENIRE PERSON: Yes, sir.

3 MR. WESTFALL: So you know that a decision by
4 the jury has to be based on only the evidence in the
5 court?

6 VENIRE PERSON: Yes.

7 MR. WESTFALL: What drew you to piloting? What
8 drew you to be a pilot?

9 VENIRE PERSON: I was still in insurance and
10 hated it, and a friend of mine gave me lessons and said,
11 hey, this is a career you might like, and I looked at it
12 and said, okay, I am going to do it. And on my form it
13 says that I have worked two jobs for almost twenty years
14 this month, and I went to work for a trucking company and
18:00 15 did my schooling and pilot training during the day, and
16 then I started working as a pilot.

17 MR. WESTFALL: So now all you do is piloting.
18 You don't have to have a second job?

19 VENIRE PERSON: No, I'm retiring from the other
20 job this month.

21 MR. WESTFALL: One other thing I wanted to talk
22 to you about, but I got so interested in the story.

23 Oh, have you had to have a security clearance or
24 anything like that? Have you done any sort of
25 investigation work with the federal government?

18:00 1 VENIRE PERSON: The only security clearance we
2 have is at the airport. We send in fingerprints, and they
3 do a background check on us. I guess that's a security
4 clearance. That's all I would know of.

5 MR. WESTFALL: So you haven't been in the
6 military?

7 VENIRE PERSON: No, sir.

8 MR. WESTFALL: Thank you very much, sir.

9 THE COURT: Counsel for the government have
10 questions for Mr. Boozer?

11 MS. SHAPIRO: Good morning, my name is Liz
12 Shapiro, and I'm one of the prosecutors assigned to this
13 case for the government.

14 VENIRE PERSON: Good morning, Elizabeth.

18:00 15 MS. SHAPIRO: You indicated on your
16 questionnaire that you are married. Is that right?

17 VENIRE PERSON: Yes, ma'am.

18 MS. SHAPIRO: And does your wife work outside
19 the home?

20 VENIRE PERSON: Yes, ma'am. She's director of a
21 day care.

22 MS. SHAPIRO: Is that in the Dallas area?

23 VENIRE PERSON: Irving, Dallas County.

24 MS. SHAPIRO: Young children, preschool?

25 VENIRE PERSON: I think it goes up through first

18:00 1 or second grade.

2 MS. SHAPIRO: And she works full time there?

3 VENIRE PERSON: Yes, ma'am.

4 MS. SHAPIRO: And you indicated that your best
5 friend is a lawyer. Is that right?

6 VENIRE PERSON: Yes.

7 MS. SHAPIRO: And does he or she work at a
8 firm?

9 VENIRE PERSON: Works over in Arlington, used to
10 work for Hill Gilstrap. I think he works now for -- I
11 have the name in my wallet. I can get it if you want the
12 name.

13 MS. SHAPIRO: Is it a big law firm?

14 VENIRE PERSON: No, ma'am, I don't think so.

18:00 15 It's small.

16 MS. SHAPIRO: Does he practice criminal law?

17 VENIRE PERSON: I think he's more on business
18 law.

19 MS. SHAPIRO: Has he talked to you about the
20 kind of work he does?

21 VENIRE PERSON: We don't talk shop. We talk
22 baseball and rangers.

23 MS. SHAPIRO: I noticed you were a wrestler?

24 VENIRE PERSON: Yes, ma'am.

25 MS. SHAPIRO: What weight class?

18:00 1 VENIRE PERSON: 167, 177 and 187.

2 MS. SHAPIRO: You managed to maintain that?

3 VENIRE PERSON: Yes, added a couple.

4 MS. SHAPIRO: As Mr. Westfall told you the

5 charges in this case involve material support to a

6 designated terrorist organization. At the end of the

7 case, as I'm sure you know from your jury experience --

8 You said you served on several juries. Is that right?

9 VENIRE PERSON: Yes.

10 MS. SHAPIRO: If you will recall, the judge

11 gave you instructions at the end of the case.

12 VENIRE PERSON: Yes, ma'am.

13 MS. SHAPIRO: In those instructions the Judge

14 may tell you that material support to a designated

18:00 15 terrorist organization may include not only money but

16 things that you might consider to be humanitarian type of

17 assistance like food or clothing or books or backpacks for

18 children, things of that nature. If the Judge instructed

19 you that that, too, was against the law, would you be able

20 to follow that instruction?

21 VENIRE PERSON: I think so, yes, ma'am.

22 MS. SHAPIRO: Does that bother you at all or

23 give you hesitation?

24 VENIRE PERSON: Well, I think before I agree or

25 disagree, when the Judge gives me an order like that I'm

18:00 1 pretty well determined to have to follow such.

2 However, as far as, yes, I think I could. It
3 would be possible to distinguish that some things might be
4 humanitarian and some things might be other things.

5 MS. SHAPIRO: But if the Court were to give you
6 instruction that under the law knowingly giving assistance
7 of an humanitarian nature even, assistance that benefited
8 a terrorist organization, that was against the law, would
9 you be able to follow that instruction?

10 VENIRE PERSON: Yes, ma'am.

11 MS. SHAPIRO: Thank you.

12 THE COURT: Mr. Boozer, we are in the process of
13 talking with the people in the pool from which the people
14 will be drawn that would hear this case. I expect that
18:00 15 process to go on for the rest of today and possibly into
16 tomorrow. So until you hear from us again, you should not
17 discuss the case with anyone or allow anyone to discuss it
18 with you, and if there are any media accounts about this
19 case, you should not read or watch or listen to any of
20 those. Thank you, sir. You may be excused.

21 Good morning, Ms. Jensen. Counsel for the
22 parties have some questions to ask you about this case.

23 MR. WESTFALL: Ms. Jensen, I'm Greg Westfall.
24 I'm one of the defense lawyers in this case. I want to
25 speak to you for a moment about this case.

18:00 1 VENIRE PERSON: Okay.

2 MR. WESTFALL: This case is United States versus
3 Holy Land Foundation. It involves allegations by the
4 government that the Holy Land Foundation and some of the
5 men involved in the Foundation gave material support to
6 HAMAS which is a terrorist organization. Having told you
7 that, does that ring any bells?

8 VENIRE PERSON: Yes, I think I heard something
9 about Holy Land Foundation being in the news years ago,
10 but not really any details.

11 MR. WESTFALL: Nothing recently?

12 VENIRE PERSON: Monday I heard something about
13 it, but I went the other way. When I heard it, it rang a
14 bell.

18:00 15 MR. WESTFALL: How do you feel about being in a
16 jury with Muslim men and terrorism is in the title?

17 VENIRE PERSON: I'm not sure I have any feelings
18 about it one way or the other, anymore than I would any
19 other jury. It's a little bit inconvenient, but I will
20 deal with it.

21 MR. WESTFALL: Inconvenient?

22 VENIRE PERSON: It's a lot farther to drive than
23 work.

24 MR. WESTFALL: On the issue of inconvenience,
25 this could go four months.

18:00 1 VENIRE PERSON: I get paid at my job. That
2 would be all right.

3 MR. WESTFALL: Okay. Very well. You work with
4 the Postal Service?

5 VENIRE PERSON: Yes.

6 MR. WESTFALL: What is the union?

7 VENIRE PERSON: American Postal Workers Union.

8 MR. WESTFALL: And that's like the main union?

9 VENIRE PERSON: No, they have seven.

10 MR. WESTFALL: Seven unions?

11 VENIRE PERSON: Yes.

12 MR. WESTFALL: Are you a steward or have you
13 ever been a steward?

14 VENIRE PERSON: No.

18:00 15 MR. WESTFALL: I saw in your questionnaire you
16 went and interviewed with the FBI in relation to something
17 you used to do or did at some point which is the Titan
18 missile project.

19 VENIRE PERSON: Yes, data entry.

20 MR. WESTFALL: What were the Titan missiles?
21 That a cold war thing?

22 VENIRE PERSON: I think so. I don't remember.

23 MR. WESTFALL: So where did you go to do the
24 data entry?

25 VENIRE PERSON: I worked in Dallas for TI.

18:00 1 MR. WESTFALL: Oh. How long did you do that?
2 VENIRE PERSON: On the actual Titan missile
3 project?
4 MR. WESTFALL: No, in that sort of area with the
5 security clearance and all.
6 VENIRE PERSON: It was just the one project, and
7 it was three months.
8 MR. WESTFALL: Have you always done that kind of
9 work?
10 VENIRE PERSON: No, I don't like data entry. I
11 would rather be up doing something physical.
12 MR. WESTFALL: So you left data entry and became
13 a mail carrier?
14 VENIRE PERSON: No, I'm a mail processor.
18:00 15 MR. WESTFALL: I guess there is a big mail
16 processing plant here in Dallas?
17 VENIRE PERSON: Yes, there is two.
18 MR. WESTFALL: And you work at one of the
19 plants?
20 VENIRE PERSON: Right. I work at the Bulk Mail
21 Center.
22 MR. WESTFALL: Do you do any charity work?
23 VENIRE PERSON: Yes.
24 MR. WESTFALL: What do you do?
25 VENIRE PERSON: My husband and I work with a

18:00 1 group in Dallas called Youth World, and my husband is a
2 guitar player, and I help him with the fundraisers and
3 organizing events and that sort of thing.

4 MR. WESTFALL: What does Youth World do?

5 VENIRE PERSON: They cater to underprivileged
6 youth of all classes, Oak Cliff mostly.

7 MR. WESTFALL: What does Youth World do for the
8 underprivileged youth?

9 VENIRE PERSON: Music lessons, a place to go
10 after school rather than getting in gangs. They are
11 multi-denomination Christian group so they also preach.
12 Give them a place to share faith.

13 MR. WESTFALL: Do they provide scholarships?

14 VENIRE PERSON: Not that I am aware of.

18:00 15 MR. WESTFALL: Do they give them food?

16 VENIRE PERSON: Yes, after school.

17 MR. WESTFALL: At Christmas do they give them
18 presents?

19 VENIRE PERSON: Not that I am aware of, but they
20 put them in touch with organizations that do that.

21 MR. WESTFALL: How long have you done that?

22 VENIRE PERSON: About two years. My husband has
23 been involved five years.

24 MR. WESTFALL: Have you had you any intention of
25 quitting?

18:00 1 VENIRE PERSON: I don't do it much, but no, the
2 children need us.

3 MR. WESTFALL: You said give them an opportunity
4 other than gangs by giving them food and a place.

5 VENIRE PERSON: Yes.

6 MR. WESTFALL: And giving them love and
7 attention?

8 VENIRE PERSON: Yes. If they don't receive
9 those things, they are likely to get in those gangs and
10 get in trouble.

11 MR. WESTFALL: And do violent things?

12 VENIRE PERSON: Let's hope not, but yeah,
13 possibly.

14 MR. WESTFALL: Ms. Jensen, thank you.

18:00 15 THE COURT: Counsel for the government have
16 questions for Ms. Jensen?

17 MR. JACKS: Yes, sir. My name is Jim Jacks.
18 I'm an Assistant United States Attorney here in the
19 Northern District of Texas. I'm one of the prosecutors in
20 this case and will be representing the government during
21 this trial. I have a few questions for you if you don't
22 mind. How long have you worked for the Postal Service?

23 VENIRE PERSON: Since 1993.

24 MR. JACKS: Immediately prior to that was that
25 when you worked for Texas Instruments?

18:00 1 VENIRE PERSON: To several years prior to that.

2 MR. JACKS: Before you joined the Postal Service

3 what was your profession?

4 VENIRE PERSON: I had two young children. I was

5 a homemaker.

6 MR. JACKS: And I guess maybe before your

7 children were born -- I'm trying to get an employment

8 history a little bit. How long did you work for Texas

9 Instruments?

10 VENIRE PERSON: Just the three-month project

11 when they needed extra help. They laid me off.

12 MR. JACKS: Before your children were born, what

13 kind of work did you do?

14 MR. JACKS: I worked in a warehouse pulling

18:00 15 orders for -- actually it ended up being Wal-Mart, but it

16 started out being Western Merchandisers.

17 MR. JACKS: Have you lived your entire life here

18 in the Dallas Fort Worth area?

19 VENIRE PERSON: I was born in New York State.

20 Lived there until I was seven. My stepfather got laid off

21 and found work here, because the economy was bad, and we

22 moved here.

23 MR. JACKS: What year was that?

24 VENIRE PERSON: 1975 or 1976 I think.

25 MR. JACKS: So you have lived here all of your

18:00 1 adult life?

2 VENIRE PERSON: No. I went back to New York for
3 three years and came back to Texas.

4 MR. JACKS: Where did you live?

5 VENIRE PERSON: Upstate New York. Do you know
6 where Binghamton is?

7 MR. JACKS: Yes.

8 VENIRE PERSON: That's where.

9 MR. JACKS: You listed your husband's job as an
10 environmental aid.

11 VENIRE PERSON: Yes, it's not what it sounds
12 like.

13 MR. JACKS: Tell us what it is.

14 VENIRE PERSON: He works as a liaison between
18:00 15 BEA systems and EPA to make sure that hazardous materials
16 are properly deposited of.

17 MR. JACKS: BEA Systems?

18 VENIRE PERSON: Right.

19 MR. JACKS: Who do they do?

20 VENIRE PERSON: They used to be Boeing. They
21 build cockpits of airplanes.

22 MR. JACKS: Are they located in --

23 VENIRE PERSON: No. Irving.

24 MR. JACKS: Two children and they attend school
25 in Grand Prairie?

18:00 1 VENIRE PERSON: Yes.

2 MR. JACKS: And one is home schooled?

3 VENIRE PERSON: Yes.

4 MR. JACKS: Who home schools him?

5 VENIRE PERSON: My husband.

6 MR. JACKS: When does he do that?

7 VENIRE PERSON: In the evening after work.

8 MR. JACKS: Has he been home schooled for his

9 entire age?

10 VENIRE PERSON: Yes. He didn't do well. He

11 didn't get along with the other kids.

12 MR. JACKS: The organization you referred to,

13 Youth World, you said that's a multi-denominational

14 Christian organization?

18:00 15 VENIRE PERSON: That's correct.

16 MR. JACKS: How did you or your husband become

17 connected to that organization?

18 VENIRE PERSON: Through BEA Systems.

19 MR. JACKS: It's something the company

20 encouraged or supported?

21 VENIRE PERSON: Yes, they do an annual campaign

22 or charity drive, and they were looking for organizations

23 to donate money to and Youth World applied, and my husband

24 was on the committee that evaluated them, and he mentioned

25 he played guitar, and they said they were looking for

18:00 1 someone to give guitar lessons to the children after
2 school, and my husband worked out a date and time, and he
3 started doing that about five years ago.

4 MR. JACKS: Would you give us an idea of how
5 many hours a week or a month he spends on that?

6 VENIRE PERSON: He does about eight hours, and I
7 generally get in an hour, hour and a half a month. I do
8 very little.

9 MR. JACKS: As has been mentioned to you, the
10 principal charges in this case -- It's alleged that the
11 Holy Land Foundation is an organization and several
12 individuals that worked with it provided material support
13 to a terrorist organization; namely, HAMAS. Have you
14 heard of HAMAS or aware of what it is?

18:00 15 VENIRE PERSON: I have heard of it. I wouldn't
16 say I'm aware of what it is other than it's supposed to be
17 a terrorist organization.

18 MR. JACKS: At the end of the evidence the Judge
19 will read his instructions to the jury which is
20 essentially what the law is. It says what must be proven
21 and definitions and that type of thing so the jury will
22 know the law and then can apply the law to render its
23 verdict. Do you understand that concept?

24 VENIRE PERSON: Yes.

25 MR. JACKS: I anticipate that the judge will in

18:00 1 his instructions tell the jury that HAMAS is a designated
2 terrorist organization. And I also anticipate that he
3 would as part of his instructions tell the jury that any
4 contribution or any material support provided to or for
5 the benefit of HAMAS is illegal, even if it's of a charity
6 nature. Even if it's food or clothing or medical supplies
7 or backpacks. How do you feel about that aspect of the
8 law?

9 VENIRE PERSON: I'm sure it's there for a
10 reason. It's not necessarily morally correct.

11 MR. JACKS: Would you be able to follow the
12 instruction?

13 VENIRE PERSON: Yes.

14 MR. JACKS: So even though you thought it was
18:00 15 morally incorrect, if you found that was the -- that money
16 was provided and that's the way it was spent, you would be
17 able to return a verdict of guilty beyond a reasonable
18 doubt, if you found that was done?

19 VENIRE PERSON: Yes.

20 MR. JACKS: Thank you.

21 THE COURT: Ms. Jensen, we're in the process of
22 talking with the members of the pool from which the jury
23 will be selected that would hear this case. I expect that
24 process will go on today and probably into tomorrow. So
25 until you hear from us further, you should not discuss

18:00 1 this case with anyone or allow anyone to discuss it with
2 you, and if there are any media accounts about the case,
3 you should not read or watch or listen to any of those.

4 Thank you, ma'am, you may be excused.

5 Good morning, Mr. Neal. Counsel for the parties
6 have some questions to ask you. Mr. Neal, I'm Greg
7 Westfall. I'm one of the defense lawyers on this case. I
8 want to talk to you a few minutes. Okay?

9 VENIRE PERSON: Okay.

10 MR. WESTFALL: This is the case of the Holy Land
11 Foundation. The United States Government is alleging that
12 the Holy Land Foundation and several of its men associated
13 with the Holy Land Foundation gave material support to
14 HAMAS which is a terrorist organization. Having heard
18:00 15 that, do you recognize the story? Have you heard about
16 it?

17 VENIRE PERSON: I think I heard about it a while
18 back, but I don't know much about it other than the name,
19 and I think it was in Richardson.

20 MR. WESTFALL: You haven't read or heard or seen
21 anything?

22 VENIRE PERSON: It may have been a long time
23 ago. But I don't remember anything.

24 MR. WESTFALL: It's a case -- It's an American
25 Muslim charity and obviously Muslim men and the issue is

18:00 1 whether they -- I mean the government alleges they gave
2 material support to HAMAS. The case has something to do
3 with terrorism. Terrorism is in the name of the charge.
4 How do you feel about being in a jury on that type of
5 case?

6 VENIRE PERSON: I really don't know what to feel
7 about it. If I had to be picked, I had to be picked. I
8 don't know that I feel anything one way or the other.

9 MR. WESTFALL: Your dad I guess was in the Air
10 Force?

11 VENIRE PERSON: Yes, he was.

12 MR. WESTFALL: Retired?

13 VENIRE PERSON: He's retired from the Air Force
14 but not from working. He works for Customs.

18:00 15 MR. WESTFALL: He works for ICE now?

16 VENIRE PERSON: U.S. Customs and Border Officer.

17 MR. WESTFALL: Where?

18 VENIRE PERSON: In New Mexico.

19 MR. WESTFALL: So he mans like a border
20 crossing?

21 VENIRE PERSON: He actually manages the border
22 crossing. He's the senior officer there.

23 MR. WESTFALL: What brought you over here?

24 VENIRE PERSON: I haven't lived with my parents
25 in years. I haven't lived with them since 1996. I mean

18:00 1 they live their life, and I have mine. I probably see
2 them every couple of years.

3 MR. WESTFALL: And you have a bachelor of fine
4 arts?

5 VENIRE PERSON: Yes.

6 MR. WESTFALL: Where did you get that?

7 VENIRE PERSON: Art Institute.

8 MR. WESTFALL: In Dallas?

9 VENIRE PERSON: Yes and University of Pittsburgh
10 for a while.

11 MR. WESTFALL: And you do graphic arts now?

12 VENIRE PERSON: I'm an art director for Zig
13 Zeigler.

14 MR. WESTFALL: Oh really, how many art directors
18:00 15 does Zig Zeigler have?

16 VENIRE PERSON: Just one, me.

17 MR. WESTFALL: So what do you do for Zig
18 Zeigler?

19 VENIRE PERSON: Pretty much design his manuals
20 and pamphlets and logos.

21 MR. WESTFALL: How well he is?

22 VENIRE PERSON: Pretty good for someone who's
23 eighty. He still comes in the office every Monday
24 morning.

25 MR. WESTFALL: Anything about your job -- If

18:00 1 this trial goes like four months, is that going to be an
2 issue at your job?

3 VENIRE PERSON: I thought about it, and I think
4 I can probably do the work in the evening. I could
5 probably go ahead and work from home. It would be
6 inconvenient, but I don't think it would be work
7 threatening I guess I should say.

8 MR. WESTFALL: You said in your questionnaire
9 that you have followed the Palestinian-Israeli conflict
10 pretty closely.

11 VENIRE PERSON: I listen to KVRA and the BBC.
12 It's always on there.

13 MR. WESTFALL: So aside from listening to the
14 public radio, have you read any books?

18:00 15 VENIRE PERSON: No, I just follow the news.
16 It's too pointed. News is one thing, but a book is a
17 little more pointed. If that's the case, I would have to
18 probably read every other book.

19 MR. WESTFALL: Excellent. Do you know any
20 people who practice the Muslim faith?

21 VENIRE PERSON: No, I do not.

22 MR. WESTFALL: Have you ever?

23 VENIRE PERSON: I'm sure I have known some
24 friends, but we never talked about it. It's been a while.
25 It was a long time ago, but as far as right now, no, I

18:00 1 don't know anybody that said they openly practiced it.

2 MR. WESTFALL: Have you had any bad experiences
3 or good experiences with Arabs or Muslims?

4 VENIRE PERSON: I worked for an Iranian guy
5 about four years, and he was nice. I mean I didn't have
6 any problems with him. He told me a little about his
7 faith.

8 MR. WESTFALL: What did you think?

9 VENIRE PERSON: It's interesting. Actually I
10 don't practice faith, but I found it interesting
11 historically speaking because it all came from the same
12 base. So it's interesting.

13 MR. WESTFALL: In your questionnaire we're
14 talking about citizens versus noncitizens and whether
18:00 15 Constitutional rights should be afforded to them.

16 VENIRE PERSON: That's a tricky question. I was
17 actually weighing it when I answered that question. I
18 started thinking about American citizenship and human
19 rights. Should they get the same rights? I don't know.
20 My dad defended this country, still defending it for the
21 last forty years. So it's pretty hard for me to say that
22 someone who's not a citizen should get the same rights as
23 a U.S. citizen, but at the same time there is human rights
24 that cross over. So it's a tricky question to answer.

25 MR. WESTFALL: How about some people will draw a

18:00 1 distinction between citizens and noncitizens and other
2 people will draw a distinction between legal residents and
3 illegal residents?

4 VENIRE PERSON: I know what you are saying. If
5 the case is they are a legal resident, it gets tricky. If
6 they were a legal resident, I would have to give them the
7 same rights as an American citizen because they are
8 supposed to be here. No, if they are illegal, I wouldn't.
9 That's for sure.

10 MR. WESTFALL: How do you feel about freedom of
11 speech?

12 VENIRE PERSON: I feel strongly about it.
13 Again, when my father defended the country, you are
14 afforded freedom of speech. So I feel very strongly about
18:00 15 that. I feel strongly about any rights given to citizens.

16 MR. WESTFALL: Any places that don't have
17 freedom of speech?

18 VENIRE PERSON: A lot of places. Almost all the
19 European countries and everyplace else. They have a Roman
20 law or marshal law where you are pretty much guilty first.
21 They don't have freedom of speech over there, that's for
22 sure.

23 THE COURT: Mr. Westfall, your time has expired.

24 MR. WESTFALL: Thank you, your Honor.

25 THE COURT: Counsel for the government have

18:00 1 questions?

2 MR. JACKS: Yes, your Honor. Good morning, Mr.
3 Neal. My name is Jim Jacks. I'm an Assistant United
4 States Attorney for the Northern District of Texas. I'm
5 one of the prosecutors that will be representing the
6 government in this trial. I just have a few questions for
7 you as well. Your time that you lived overseas, was that
8 with your family when your dad was serving overseas?

9 VENIRE PERSON: Yes.

10 MR. JACKS: She has to write down everything.
11 And I know we are far apart and this room is not conducive
12 to hearing each other, but if I could get you to speak up.

13 VENIRE PERSON: Sure.

14 MR. JACKS: How long have you worked for -- Is
18:00 15 it Zeigler?

16 VENIRE PERSON: Zig Zeigler.

17 MR. JACKS: Yes. How long have you worked
18 there?

19 VENIRE PERSON: Four and a half years.

20 MR. JACKS: Before that, what kind of work did
21 you do?

22 VENIRE PERSON: A bar manager of a night club.

23 MR. JACKS: In Dallas?

24 VENIRE PERSON: Yes.

25 MR. JACKS: Which one?

18:00 1 VENIRE PERSON: It no longer exists. It was
2 Area 51, but it was the Iranian gentlemen I worked for.
3 Him and his sons owned it.

4 MR. JACKS: How long did you work there?

5 VENIRE PERSON: About four years.

6 MR. JACKS: Was it by Love Field?

7 VENIRE PERSON: Downtown where the Old Stork
8 Club used to be.

9 MR. JACKS: And what did you do before that?

10 VENIRE PERSON: I worked as a freelance graphics
11 designer off and on and worked at bar places. But
12 basically a freelance designer.

13 MR. JACKS: And in layman's terms what did you
14 do as a graphic designer?

18:00 15 VENIRE PERSON: Just design logos, posters and
16 stuff like that.

17 MR. JACKS: Did you work for a company?

18 VENIRE PERSON: I freelanced so I worked for a
19 whole bunch of companies. I don't remember half of them.

20 MR. JACKS: And Zig Zeigler, what is his
21 company?

22 VENIRE PERSON: It's a performance company. We
23 do business training, corporate training, sales, you know,
24 stuff like that.

25 MR. JACKS: And how big is the company in terms

18:00 1 of employees?

2 VENIRE PERSON: I would say less than thirty.

3 It fluctuates. We go anywhere from thirty to fifty.

4 Hasn't been over thirty since the time I worked there.

5 MR. JACKS: Their offices are?

6 VENIRE PERSON: Addison.

7 MR. JACKS: With regard to this gentlemen you
8 worked for when you were asked if you knew any Muslims,
9 you said an Iranian. He was in fact a Muslim?

10 VENIRE PERSON: Most definitely. He wore
11 necklaces that had different items of faith on it.

12 MR. JACKS: How observant was he? Did he pray
13 five times a day?

14 VENIRE PERSON: You know, I don't know the
18:00 15 extent of his faith. I know when Iran was mentioned, he
16 was open to talk about it. I don't know that he was
17 observant because he owned a night club that had drinking
18 in it. I know his wife wasn't, and I don't think his sons
19 weren't either.

20 MR. JACKS: It's hard to hear. Did you say you
21 talked to him about your faith?

22 VENIRE PERSON: No. I didn't talk to him about
23 my faith. Occasionally, yes.

24 MR. JACKS: But you talked to him about his
25 background?

18:00 1 VENIRE PERSON: Yes.

2 MR. JACKS: How long has your father been with
3 the Customs Service and Border Protection?

4 VENIRE PERSON: About eight years now. He has
5 always done something with the country, firefighting. He
6 believes in it strongly.

7 MR. JACKS: Has he always been stationed in New
8 Mexico?

9 VENIRE PERSON: No, before Customs he's been
10 stationed in Europe fifteen years.

11 MR. JACKS: Mr. Neal, you have had very little
12 explanation given to you about the trial. Generally it's
13 been stated that the central charge, if you will, is
14 providing material supported to a designated terrorist
18:00 15 organization. Have you ever served on a trial jury

16 before?

17 VENIRE PERSON: No, this is my first time even
18 being called.

19 MR. JACKS: Have you ever received a jury
20 summons before?

21 VENIRE PERSON: No.

22 MR. JACKS: After both sides have presented
23 their testimony in evidence and depending on if you are in
24 state court or federal court, before the attorneys give
25 their final summations, the Judge will tell the jury what

18:00 1 the law is, and he would read from a document, and the
2 jury will get copies of that document. It tells you what
3 the government must prove, what the law is, definitions of
4 words that are words of art, that type of thing. I expect
5 in this case as part of the Judge's instructions, he would
6 tell the jury that HAMAS has been designated as a
7 terrorist organization by the U.S. government. I also
8 expect in those instructions he would tell the jury that
9 anything that is given to a terrorist organization --
10 money, clothing, charitable items -- is still a violation
11 of the law. If that money was spent for food or clothing
12 or medicine that was provided to the benefit of this
13 terrorist organization, that's still a violation of the
14 law. If that instruction was given to you, could you
18:00 15 follow that instruction?

16 VENIRE PERSON: Yes.

17 MR. JACKS: Thank you, sir.

18 THE COURT: Mr. Neal, we are in the process of
19 talking with the members of the pool from which the jury
20 will be selected that would hear this case. I expect that
21 process will go on for the rest of today and probably into
22 tomorrow so until you hear from us again you should not
23 discuss this case with anyone or allow anyone to discuss
24 it with you, and if there are any media accounts about the
25 case, you should not read or watch or listen to any of

18:00 1 those.

2 Thank you. You may be excused.

3 Good morning, Ms. Taylor. Counsel for the
4 parties have some questions they would like to ask you.

5 MS. MORENO: Good morning, Ms. Taylor. You are
6 going to have to speak up a little bit so that I can hear
7 you. My name is Linda Moreno. I'm one of the defense
8 attorneys in this case. I am going to ask you some
9 questions about the questionnaire you filled out a few
10 weeks ago and if you have heard anything about this case
11 which we will discuss in a minute.

12 This is the case of the Holy Land Foundation which is
13 an American Muslim charity. I'm wondering if you have
14 heard anything about the Holy Land Foundation in the press
18:00 15 or TV or on the radio?

16 VENIRE PERSON: I haven't heard anything. I
17 have heard other people talking. I have a four year old
18 daughter. So I don't get to watch the news. I have just
19 heard other people talking.

20 MS. MORENO: You have a four year old daughter,
21 and you are a busy mom?

22 VENIRE PERSON: Single and her dad is not
23 around. So it's just me all the time.

24 MS. MORENO: Let's talk about that. This case
25 may last three to four months, maybe longer. So what we

18:00 1 need to know is if that kind of jury service would be an
2 economic hardship for you or in your family.

3 VENIRE PERSON: As far as my daughter goes, I
4 have to pick her up from day care by six. Like I said,
5 I'm a single mom, and I don't have anybody to help me. I
6 live in Waxahachie, and she goes to school in Red Oak.

7 MS. MORENO: How far is Red Oak from her?

8 VENIRE PERSON: It's twenty-five miles, but with
9 the traffic and commute it turns into an hour drive.

10 MS. MORENO: So you would have to leave this
11 courthouse by five o'clock?

12 VENIRE PERSON: Yes, if not earlier. That's
13 what time her day care closes. So I have to pick her up
14 by six.

18:00 15 MS. MORENO: What about in the morning?

16 VENIRE PERSON: Her day care opens at 6:30.
17 It's not an issue getting her there. It's picking her up.

18 MS. MORENO: And what do you do?

19 VENIRE PERSON: I'm an investment banker, and I
20 sell investments for the bank as well.

21 MS. MORENO: And in terms of your job, would
22 three to four months pose a difficulty?

23 VENIRE PERSON: I looked it up after I got the
24 form, and human resources says they will pay you, but they
25 could fire you for anything. I don't know.

18:00 1 MS. MORENO: Have you talked to anybody about
2 your summons?

3 VENIRE PERSON: My managers and stuff. I told
4 them about the paper I got and said it's going to last
5 four months, and they are like I hope you get out of it.

6 MS. MORENO: They said that they would like you
7 out of it?

8 VENIRE PERSON: Well, yes, but --

9 MS. MORENO: If there is any further information
10 that you get from your job before this process is over in
11 the next day or two, could you alert us? Let the Court
12 know or the jury clerk know?

13 VENIRE PERSON: Yes.

14 MS. MORENO: You said when I asked you if you
18:00 15 had heard anything about the case -- You said you heard
16 others talking about it.

17 VENIRE PERSON: Yes.

18 MS. MORENO: Tell me about that.

19 VENIRE PERSON: They are saying it's on the news
20 and talking about it, not in detail what it's over, just
21 talking about, you know, the Holy Land trial and big case.
22 I don't know in detail about anything. I just get to
23 watch the Disney Channel. That's it.

24 MS. MORENO: Lots of Disney Channel?

25 VENIRE PERSON: Yes.

18:00 1 MS. MORENO: There aren't too many trials on the
2 Disney Channel?

3 VENIRE PERSON: No.

4 MS. MORENO: All right. Let's talk about this
5 case. This case is one where the government claims that
6 this foundation provided material support to a terrorist
7 organization. Knowing that, just that little bit of
8 information, does that cause you any concern about sitting
9 on a case like this? Does that bring anything up for you?
10 Let me tell you there aren't any right or wrong answers
11 here. So it's our opportunity to hear what you really
12 feel about this.

13 VENIRE PERSON: It's a little scary considering
14 what the subject is over and stuff like that. As far as
18:00 15 that whole thing -- I don't know. It's a little
16 intimidating.

17 MS. MORENO: I have heard you say intimidating
18 and fear?

19 VENIRE PERSON: Well, after 9-11, terrorists is
20 like whoa.

21 MS. MORENO: Given the thoughts you have and the
22 concerns that you have, do you think that you could really
23 put those aside and presume these gentlemen innocent which
24 is what is required of a juror to sit in this case or
25 would that be very difficult for you?

18:00 1 VENIRE PERSON: I don't know. It's kind of
2 hard. I think it's just a touchy subject for everybody
3 that is American that experienced 9-11 and went through
4 the whole thing. As a person, yeah, I would try to, but I
5 guess it's just that word, you know, and everything that's
6 been going on ever since then.

7 MS. MORENO: I appreciate what you are saying in
8 terms of you would try to. What the law requires in this
9 case is that you must assure us -- And it's okay if you
10 can't assure us. But you must assure us that would not
11 color your opinion and those prejudices would not affect
12 the way you would evaluate this case. You would have to
13 assure us of that. Could you?

14 VENIRE PERSON: I would try my hardest. When
18:00 15 you say prejudice, I mean it's not against a certain race
16 or a religious thing. It's just that word.

17 MS. MORENO: I'm talking now more about the
18 prejudices, not so much about your fears. Well, let me
19 ask it this way. Would you knowing -- And you are the
20 only person who can answer this question sitting there.
21 With your state of mind right now as we're discussing
22 this, would you want to be judged with someone with your
23 state of mind in a case like this?

24 VENIRE PERSON: Yes. I feel like I'm a very
25 open person and not judgmental. I think I would be fair,

18:00 1 but you know, it's kind of like going to work and having a
2 bad day. You have to put that aside and focus on your
3 job.

4 THE COURT: Ms. Moreno, your time has expired.

5 MS. MORENO: Thank you so much.

6 THE COURT: Counsel for the government have
7 questions for Ms. Taylor?

8 MR. JACKS: Good morning, Ms. Taylor.

9 VENIRE PERSON: Hello.

10 MR. JACKS: My name is Jim Jacks. I'm an
11 Assistant United States Attorney here in the Northern
12 District of Texas. I'm one of the prosecutors in this
13 case that will be representing the government during this
14 trial, and I just have a few questions for you as well if
18:00 15 you don't mind.

16 How long have you worked for the bank?

17 VENIRE PERSON: I have worked for that bank
18 since April of last year, but I have been in banking for
19 about two and a half years now.

20 MR. JACKS: So April of 2006?

21 VENIRE PERSON: Yes.

22 MR. JACKS: I believe it's Bank of America?

23 VENIRE PERSON: Citizens National Bank. It's a
24 smaller bank in Ellis County.

25 MR. JACKS: Is it in Waxahachie?

18:00 1 VENIRE PERSON: The one I worked at is out of
2 Red Oak, but they are officed out of Waxahachie.

3 MR. JACKS: Before that bank, what bank did you
4 work at?

5 VENIRE PERSON: I didn't. I was a stay-at-home
6 mom and went to school.

7 MR. JACKS: I'm confused.

8 VENIRE PERSON: I worked Guarantee Bank
9 currently. Before that I worked First Citizens National
10 Bank of Texas. It's headquartered in Waxahachie with an
11 office in Red Oak, and I worked there a year, and prior to
12 that I stayed home a few months, and prior to that I was
13 going to nursing school.

14 MR. JACKS: Where did you attend nursing school?

18:00 15 VENIRE PERSON: Navarro in Waxahachie.

16 MR. JACKS: The Guaranty Bank you worked at, is
17 that in Dallas?

18 VENIRE PERSON: Well, I was, but now I'm in
19 Arlington.

20 MR. JACKS: You said your day care where your
21 daughter stays closes at six so you need to make sure that
22 you are there by six o'clock?

23 VENIRE PERSON: Yes.

24 MR. JACKS: So if the Court were to adjourn at
25 4:45 each day, you would expect that would give you time

18:00 1 to get there if you were chosen for this jury?

2 VENIRE PERSON: Yes.

3 MR. JACKS: You said, I believe, that you are a
4 fair person, not judgmental and one that will listen to
5 both sides and then make a decision. Did I hear you
6 correctly?

7 VENIRE PERSON: Yes.

8 MR. JACKS: As far as the notion of fear, it was
9 your answer is the word "terrorism" has a different ring
10 to it than say a fraud case or a drug case or something
11 like that? --

12 VENIRE PERSON: Yes, I think it does.

13 MR. JACKS: But the fact that this case is still
14 a criminal trial in a courtroom with a judge and twelve --
18:00 15 at least twelve jurors --

16 VENIRE PERSON: Yes.

17 MR. JACKS: -- would that reassure you that at
18 the end of the day this is still just a criminal case?

19 VENIRE PERSON: It's a criminal case regardless
20 of what it is. It's just the subject matter.

21 MR. JACKS: Are you aware if there have been
22 other terrorism trials in the United States?

23 VENIRE PERSON: No.

24 MR. JACKS: Okay. If you were chosen and became
25 a member of this jury, will you be able to follow the

18:00 1 Court's instructions on what the law is and issues like
2 the burden of proof that the government has and the
3 presumption of innocence that the defendants enjoy? Can
4 you follow those instructions from the Judge?

5 VENIRE PERSON: Yes.

6 MR. JACKS: Have you lived in this area all of
7 your life, in the Dallas Fort Worth area?

8 VENIRE PERSON: I grew up in Dallas. I was born
9 in Saint Paul Hospital. I just moved to Waxahachie about
10 five years ago.

11 MR. JACKS: And you have never been on a trial
12 jury before; is that correct?

13 VENIRE PERSON: No, never.

14 MR. JACKS: Have you ever received a jury
18:00 15 summons before?

16 VENIRE PERSON: No.

17 MR. JACKS: At the end of all the evidence after
18 both sides have presented all the testimony and witnesses
19 and documents that they want to present, the Judge will
20 read and give his instructions to the jury which contains
21 the law the jury is supposed to use in the case, and it
22 will tell the jury this is what must be proven before you
23 can find this person guilty of this charge, and he would
24 have definitions in there, and so if there is a word used
25 in one of these laws, if necessary, he would define it in

18:00 1 that same instruction. I expect as part of his
2 instructions, he would tell the jury that HAMAS is a
3 terrorist organization. I don't remember if you were
4 asked. Have you ever heard of HAMAS?

5 VENIRE PERSON: No. And when I filled out the
6 questionnaire, that's the first time I have seen any of
7 the names.

8 MR. JACKS: I expect the Judge will tell you
9 that HAMAS has been designated a terrorist organization by
10 the United States Government. I also suspect in his
11 instructions he would tell you that any type of material
12 support -- money or goods or services -- that are given to
13 a terrorist organization or to an entity affiliated with a
14 terrorist organization is against the law, including if
18:00 15 that money is later spent on what might be considered
16 charitable items -- food or clothing or educational
17 materials, books, backpacks. If that is in the
18 instructions, if the Judge says even money or materials of
19 that nature is a violation of the law if it's given
20 knowingly to a terrorist organization, would you be able
21 to follow that instruction?

22 VENIRE PERSON: Well, I think it is. If you are
23 supporting them in any way, giving them a piece of bread
24 or supplying a bomb.

25 MR. JACKS: Thank you, ma'am.

18:00 1 THE COURT: Ms. Taylor, we are in the process of
2 interviewing the panel from which a jury will be selected
3 to hear this case. I expect that to go on through
4 tomorrow. So until you hear from us you should not
5 discuss the case with anyone or allow anyone to discuss it
6 with you, and if there are any media accounts, you should
7 not read or watch or listen to any of those.

8 VENIRE PERSON: May I approach?

9 THE COURT: Yes, sir.

10 VENIRE PERSON: I don't know if it matters or
11 not, but I have a vacation in October. The ladies down
12 there told me to let you know of that.

13 THE COURT: Would you mind telling that to
14 everybody?

18:00 15 VENIRE PERSON: Sure.

16 THE COURT: It was just disclosed to me by Ms.
17 Taylor that she has vacation plans in the month of
18 October. Can you tell us about that? Have you paid for
19 those already?

20 VENIRE PERSON: My mom is taking my family on a
21 cruise starting October 7, and it's lasting for a week.
22 The lady downstairs told me to tell you about it. So I'm
23 telling you.

24 THE COURT: Thank you, Ms. Taylor.

25 MS. MORENO: First of all, I apologize for not

18:00 1 going into the vacation, and I will keep that in mind the
2 next time. We would move for both a hardship and a cause
3 challenge on this young lady. She's got a vacation from
4 October 7 for a week. Clearly, it doesn't seem from all
5 the estimates that this case will be over by then.
6 Secondly, the picking up of her daughter, if I recall
7 correctly, I think the Court indicated you expected the
8 jurors to be bussed from a particular location. So it's
9 not that she's going to be able to leave here at 4:45 and
10 directly pick up her child which she has to get to at six
11 o'clock. The reason I asked about the distance is I'm not
12 from here. It's a good hour, and I think that would pose
13 a problem.

14 Additionally, on the cause issues, the young
18:00 15 lady when I asked her about the presumption and a case
16 like this, she indicated that she thought the terrorist
17 charges were scary and intimidating. She indicated she
18 would try to put them aside. I kept asking for
19 assurances, but she could not provide them. I can provide
20 the case law over the evening about the issues and there
21 can be no equivocation that she can afford these gentlemen
22 the presumption of innocence.

23 THE COURT: Mr. Jacks, do you have an objection
24 to the challenge for cause of Ms. Taylor?

25 MR. JACKS: Yes, sir, I don't believe any answer

18:00 1 she gave anywhere near approaches the grounds that she
2 should be excused for cause. I think her answer was that
3 she would follow the Court's instructions and observe the
4 requirements of the burden of proof and presumption of
5 innocence. And I do not believe that any of her answers
6 in any way indicate at the end of the day she couldn't be
7 a fair and impartial juror.

8 THE COURT: Thank you. I am going to take the
9 challenge for cause to Ms. Taylor under advisement. There
10 is one other member of the venire that we have talked to
11 that I wanted to give all of you an update about. I'm
12 sorry. I have been intending to do this for the last
13 twenty-four hours, but it has slipped my mind every time.
14 But I wanted to cover it now while it is on my mind. This
18:00 15 is on first day I believe, and I believe the last person
16 we saw on the first day. Mr. Ivan Cabrera. He's a
17 military reservist, and he expressed some concern that he
18 might be receiving training orders, and after that I
19 talked to Mr. Morales, and it turns out that Mr. Morales
20 and Mr. Cabrera had trained together. So I asked Mr.
21 Morales if he had any way to determine if orders would be
22 received by Mr. Cabrera and he told me he would check into
23 it because he knew an officer that had access to the
24 computer. And he told me yesterday that he had been in
25 touch with that officer, and he understood that Mr.

18:00 1 Cabrera's orders would be forthcoming, and I don't
2 remember the exact dates. Do you?

3 MR. MORALES: 8th through the 20th in
4 preparation for going to Iraq.

5 THE COURT: Thank you, sir. We'll be in recess
6 for fifteen minutes.

7 (Recess)

8 THE COURT: Good morning, Mr. Rosalez. Counsel
9 for the parties in this case have some questions they
10 would like to ask you.

11 MR. WESTFALL: Good morning. My name is Greg
12 Westfall, and I'm one of the defense lawyers in this case.
13 I know you had to wait around this morning, and we
14 appreciate your patience, especially that you had to wait
18:00 15 for us to take a break. I want to talk to you a few
16 minutes, and then the prosecutor may get up and talk to
17 you. First off, I want to talk to you about your family
18 situation. You said you are single but you have a ten
19 year old child.

20 VENIRE PERSON: Yes, sir.

21 MR. WESTFALL: Are you caring for your child?

22 VENIRE PERSON: We have joint custody.

23 MR. WESTFALL: So if you are on this jury for a
24 period of months, is that going to interfere with your
25 ability to care for your child.

18:00 1 VENIRE PERSON: No, sir.

2 MR. WESTFALL: Do you have anything else like

3 prepaid vacations?

4 VENIRE PERSON: Yes, I do. September 21st I'm

5 going on a cruise.

6 MR. WESTFALL: For how long?

7 VENIRE PERSON: Five days.

8 MR. WESTFALL: How long have you had the

9 tickets?

10 VENIRE PERSON: I bought them early march.

11 MR. WESTFALL: Is it all prepaid?

12 VENIRE PERSON: Yes.

13 MR. WESTFALL: If you didn't go on the cruise,

14 would you be able to get your money back?

18:00 15 VENIRE PERSON: No, sir, I believe the deadline

16 was yesterday.

17 MR. WESTFALL: This a family type of vacation?

18 VENIRE PERSON: It's twenty friends of mine.

19 We're all going. Someone is getting married.

20 MR. WESTFALL: It's a wedding?

21 VENIRE PERSON: Yes, sir.

22 MR. WESTFALL: Very well. Thank you for telling

23 us about that.

24 VENIRE PERSON: You are welcome.

25 MR. WESTFALL: The case is United States versus

18:00 1 Holy Land Foundation. And it involves allegations of
2 material support to a terrorist group, that being HAMAS.
3 Having told you that, do you recognize the case style? Do
4 you recognize the facts at all?

5 VENIRE PERSON: I really haven't followed it.

6 MR. WESTFALL: Have you heard of it?

7 VENIRE PERSON: Yes, I heard of it just from TV.

8 MR. WESTFALL: Based on anything you have heard,
9 have you formed any opinions?

10 VENIRE PERSON: No.

11 MR. WESTFALL: What does a coding tech do?

12 VENIRE PERSON: We code lenses for binoculars.
13 Everything is pretty much laser guided in the military.
14 So we code the lenses on the binoculars so the soldiers
18:00 15 won't get blind.

16 MR. WESTFALL: Do you just do it for military
17 operations?

18 VENIRE PERSON: Yes, sir. Just military.

19 MR. WESTFALL: Have you been in the military?

20 VENIRE PERSON: No, sir.

21 MR. WESTFALL: How did you get this job?

22 VENIRE PERSON: I coated lenses, like glasses
23 eight years. So a friend of mine gave me a referral for
24 Northrup.

25 MR. WESTFALL: Is that who you work with,

18:00 1 Northrup?

2 VENIRE PERSON: Yes, sir.

3 MR. WESTFALL: Did you get a security clearance?

4 VENIRE PERSON: Yes.

5 MR. WESTFALL: So you have been investigated by

6 the FBI?

7 VENIRE PERSON: I don't know the extent of their

8 investigation, but they did a background check on me and

9 everything.

10 MR. WESTFALL: Did you do any other kinds of

11 military equipment like scopes or anything like that?

12 VENIRE PERSON: We do like tanks, windows for

13 tanks.

14 MR. WESTFALL: You personally do.

18:00 15 VENIRE PERSON: Every now and then. It depends

16 on what the job calls for.

17 MR. WESTFALL: This coating prevents lasers from

18 being able to go into the binoculars?

19 VENIRE PERSON: Yes, sir. And vice versa for

20 the tank windows.

21 MR. WESTFALL: Have you had any terrorism

22 training or anything like that as a result of your job?

23 VENIRE PERSON: No.

24 MR. WESTFALL: How do you feel about being on a

25 case where we're talking about Muslim men who are accused

18:00 1 of something where terrorism is actually in the name of
2 the offense?

3 VENIRE PERSON: I have no problem.

4 MR. WESTFALL: Do you know any Muslims?

5 VENIRE PERSON: No, sir.

6 MR. WESTFALL: Do you have any people of Arabic
7 descent that work at Northrup?

8 VENIRE PERSON: No, sir.

9 MR. WESTFALL: Have you ever any good
10 experiences or bad experiences with Muslims?

11 VENIRE PERSON: No experiences at all.

12 MR. WESTFALL: What else do you do besides your
13 work and your child?

14 VENIRE PERSON: That's about it. My son is
18:00 15 pretty much everything to me.

16 MR. WESTFALL: Does he do things like play
17 soccer?

18 VENIRE PERSON: Soccer and basic ball.

19 MR. WESTFALL: You go to those games?

20 VENIRE PERSON: Yes. I try to be assistant
21 coach on some of the teams.

22 MR. WESTFALL: Do you do any kind of a
23 charitable work?

24 VENIRE PERSON: No, sir.

25 MR. WESTFALL: Are you involved in your church?

18:00 1 VENIRE PERSON: No. The only church I'm
2 involved in is when I visit my family, Pentecostal. So I
3 go over there.

4 MR. WESTFALL: You do with your family to do
5 that?

6 VENIRE PERSON: Yes, Easter and stuff like that.

7 MR. WESTFALL: Your brother was a detention
8 officer for the State of Oklahoma?

9 VENIRE PERSON: Yes.

10 MR. WESTFALL: Does he still do that?

11 VENIRE PERSON: No.

12 MR. WESTFALL: What does he do now?

13 VENIRE PERSON: I believe he works at Wal-Mart.

14 MR. WESTFALL: This is a criminal case, and all
18:00 15 the rights apply when you are charged with a crime in the
16 United States. You have the right not to testify against
17 yourself or testify at all if you don't want to. You know
18 that?

19 VENIRE PERSON: Yes.

20 MR. WESTFALL: You have the right to the
21 presumption of innocence. Have you ever heard of that
22 term, presumption of innocence?

23 VENIRE PERSON: No, sir.

24 MR. WESTFALL: You have a right to have the
25 state prove or the government prove its case beyond a

18:00 1 reasonable doubt. Have you ever heard of the
2 beyond-a-reasonable-doubt standard?

3 VENIRE PERSON: Yes, sir.

4 MR. WESTFALL: Well, the presumption of
5 innocence means as a person sits here and is charged with
6 an offense, they are presumed innocent until and unless
7 the government proves its case beyond a reasonable doubt.
8 Having told you a little more about that, have you heard
9 of that?

10 VENIRE PERSON: No.

11 MR. WESTFALL: Not from watching Cops or
12 anything like that?

13 VENIRE PERSON: No.

14 MR. WESTFALL: That is a very valuable and
18:00 15 serious protection to anyone who's charged with an
16 offense. Anyone who's accused -- a citizen or a
17 noncitizen -- who's accused in the United States. Do you
18 think that's fair?

19 VENIRE PERSON: Yes.

20 MR. WESTFALL: Do you think it's fair to have
21 that in a case that involves terrorism?

22 VENIRE PERSON: Yes.

23 MR. WESTFALL: Thank you very much.

24 THE COURT: Counsel for the government have
25 questions for Mr. Rosalez?

18:00 1 MR. JACKS: Thank you, your Honor. Mr. Rosalez,
2 my name is Jim Jacks, and I'm an Assistant United States
3 Attorney for the Northern District of Texas. I will be
4 one of the prosecutors in this case, and I will be
5 representing the government. I have just a few questions
6 for you if you don't mind. How long have you worked for
7 Northrup Grummen?

8 VENIRE PERSON: Two and a half years.

9 MR. JACKS: And before that, where did you work?

10 VENIRE PERSON: SOR America.

11 MR. JACKS: And that's some kind of an optical
12 company or lens manufacturing?

13 VENIRE PERSON: Yes, sir.

14 MR. JACKS: Where are they located?

18:00 15 VENIRE PERSON: They are located in Farmer's
16 Branch.

17 MR. JACKS: And Northrup Grummen is located
18 where?

19 VENIRE PERSON: In Garland.

20 MR. JACKS: Is it near Raytheon?

21 VENIRE PERSON: Yes, it's right down the street.

22 MR. JACKS: You live in Rowlett?

23 VENIRE PERSON: Yes.

24 MR. JACKS: Did you grow up in Oklahoma?

25 VENIRE PERSON: No, I grew up in Dallas.

18:00 1 MR. JACKS: But some of your family is in
2 Oklahoma?

3 VENIRE PERSON: Yes, they relocated when my mom
4 married.

5 MR. JACKS: Have you lived in the Dallas area
6 your whole life?

7 VENIRE PERSON: Yes, sir.

8 MR. JACKS: Do you remember receiving a part of
9 the questionnaire early before you came down to the
10 courthouse and filling out this multi-page questionnaire?

11 VENIRE PERSON: Yes, sir.

12 MR. JACKS: And that part of it pertained to
13 hardships or conflicts. I cannot remember. I'm sure I
14 saw it. Did you mention the upcoming cruise in that form?

18:00 15 VENIRE PERSON: No, I didn't. I think that
16 would be a hardship.

17 MR. JACKS: And the purpose of this cruise is a
18 wedding?

19 VENIRE PERSON: Yes. It's a friend of mine.

20 MR. JACKS: Are you in the wedding?

21 VENIRE PERSON: No.

22 MR. JACKS: Where does it depart?

23 VENIRE PERSON: Galveston and then Yucatan and
24 Mexico.

25 MR. JACKS: And you said it's for a week?

18:00 1 VENIRE PERSON: Five days.

2 MR. JACKS: Your brother you said works for the

3 State of Oklahoma as a detention officer?

4 VENIRE PERSON: He did.

5 MR. JACKS: How long has it been since he did

6 that work?

7 VENIRE PERSON: Two to three years.

8 MR. JACKS: What does he do now?

9 VENIRE PERSON: Works in Wal-Mart in Ada.

10 MR. JACKS: This a prison that he worked at or a

11 county jail?

12 VENIRE PERSON: It was a prison.

13 MR. JACKS: You indicated in response to a

14 question that you had some friends that had been arrested

18:00 15 for different things. One individual -- Actually two

16 individuals you said had been charged with intent to

17 distribute drugs.

18 VENIRE PERSON: Yes, sir.

19 MR. JACKS: Are those charges resolved or are

20 they still pending?

21 VENIRE PERSON: They are resolved.

22 MR. JACKS: Were they convicted?

23 VENIRE PERSON: Yes, they are on probation.

24 MR. JACKS: Was that in Dallas County or some

25 other county?

18:00 1 VENIRE PERSON: Dallas.

2 MR. JACKS: What drugs were involved?

3 Marijuana? Cocaine?

4 VENIRE PERSON: I believe cocaine.

5 MR. JACKS: How close are you to those friends?

6 VENIRE PERSON: I see them once, probably twice

7 a month.

8 MR. JACKS: Did you ever attend court on their

9 behalf or anything like that?

10 VENIRE PERSON: No, sir.

11 MR. JACKS: Based on what you have learned about

12 that, do you feel like they were treated fairly by the

13 criminal justice system?

14 VENIRE PERSON: Yes.

18:00 15 MR. JACKS: Is there any question in your mind

16 about that?

17 VENIRE PERSON: No.

18 MR. JACKS: Thank you.

19 THE COURT: Mr. Rosalez, we are in the process

20 of hearing from the panel from which the jury will be

21 selected to hear this case. I expect that will last

22 through tomorrow. Until you hear from us, you should not

23 discuss the case with anyone or allow anyone to discuss it

24 with you, and if there are any media accounts, you should

25 not read or watch or listen to any of those. Thank you,

18:00 1 you may be excused.

2 VENIRE PERSON: Thank you.

3 THE COURT: Good morning, Mr. Griftner. Counsel
4 for the parties have some questions to ask you.

5 VENIRE PERSON: Is there a couple of things I
6 can say?

7 THE COURT: Yes, sir.

8 VENIRE PERSON: I didn't realize the longevity
9 of this, and I'm a new business office, and due to this
10 I'm missing computer training program for the sales
11 program, and as well as I have a trip this weekend to go
12 to California to promote my business.

13 THE COURT: How long is that trip supposed to
14 last?

18:00 15 VENIRE PERSON: That will be just through the
16 weekend.

17 THE COURT: Thank you. Mr. Westfall.

18 MR. WESTFALL: I'm Greg Westfall. Thank you for
19 waiting for us. I'm one of the criminal defense lawyers
20 on this case. I am going to speak with you a little bit,
21 and then the government will speak with you. This is the
22 Holy Land Foundation, the United States versus the Holy
23 Land Foundation, and it involves allegations of material
24 support of a terrorist organization, specifically HAMAS.
25 Have you heard anything about the case?

18:00 1 VENIRE PERSON: I remember like a year and a
2 half ago when it was in the news. I don't follow the news
3 on a regular basis, but the bigger things I usually hear
4 about from workers or family.

5 MR. WESTFALL: Have you formed any opinions on
6 anything you have read or heard about the guilt or
7 innocence of the defendants?

8 VENIRE PERSON: I don't know. That's a hard
9 question to answer. It's hard to say yes or no honestly.

10 MR. WESTFALL: I'll tell you why I asked. The
11 jury that is impaneled ultimately for the trial -- You
12 know how long it could last now, four months?

13 VENIRE PERSON: Yes, sir.

14 MR. WESTFALL: The jury has to make a decision
18:00 15 one hundred percent on the evidence and testimony that is
16 given in trial inside this courtroom from that witness
17 stand. And no preformed opinions or personal feelings can
18 interfere with that. That is kind of a requirement for
19 sitting on the jury, and that requirement changes case to
20 case because, you know, if you are on a car theft case,
21 the feelings may be different than if you are on a high
22 profile case and has different issues. Do you know what I
23 mean?

24 VENIRE PERSON: Yes, before I got into it -- I'm
25 dyslexic, and I scanned through it, and I didn't realize

18:00 1 the complexity of the case. Like you said, a stolen car
2 or something like that would be a much easier way. But
3 yeah, I probably have feelings towards a certain way.

4 MR. WESTFALL: The legal basic question is can
5 you set those feelings aside and judge this case only on
6 the evidence. And there is no right or wrong answer to
7 that question.

8 VENIRE PERSON: Honestly not really. That would
9 be hard.

10 MR. WESTFALL: You don't think you can?

11 VENIRE PERSON: No.

12 MR. WESTFALL: I saw the Griftner's Motorcycles,
13 and I thought that might be your business.

14 VENIRE PERSON: Yes. I have been working on it
18:00 15 for a month now. I just turned twenty-five and got my
16 inheritance, and I just put the open sign up last
17 Wednesday.

18 MR. WESTFALL: You have a fairly substantial
19 financial investment?

20 VENIRE PERSON: Yes, my life is riding on it.
21 If it doesn't go, my life is in the gutter.

22 MR. WESTFALL: Thank you.

23 THE COURT: Counsel for the government have
24 questions?

25 MR. GARRETT: No, your Honor.

18:00 1 THE COURT: Mr. Griftner, we're in the process
2 of talking to the panel that will hear this case, and I
3 think that will go through tomorrow. So until you hear
4 from us, you should not discuss the case with anyone or
5 allow anyone to discuss it with you, and if there are any
6 media accounts of this case, you should not read or watch
7 or listen to any of those.

8 MR. WESTFALL: Your Honor, we challenge the
9 juror. We don't think he can be fair and impartial.

10 THE COURT: Does the government have a position
11 about that?

12 MR. GARRETT: No objection.

13 THE COURT: I will excuse the juror for cause.
14 I think we're ready to see next Ms. Gonzales.

18:00 15 Good morning, Ladies and Gentlemen. Counsel for
16 the parties have some questions to ask you.

17 MS. MORENO: Good morning, Ms. Gonzales. My
18 name is Linda Moreno, and I'm one of defense counsel in
19 this case. I want to ask you some questions about the
20 answers you filled out on the questionnaire a couple of
21 weeks ago. Do you remember that?

22 VENIRE PERSON: Yes.

23 MS. MORENO: And also if you have heard anything
24 about this case. So I am going to ask you a few questions
25 for a few minutes.

18:00 1 This is the case that involves the Holy Land
2 Foundation charity. Holy Land Foundation, have you heard
3 about it or read about it in the media lately?

4 VENIRE PERSON: I have heard about it in the
5 news, but I really haven't been paying attention to it.

6 MS. MORENO: Was that recently or?

7 VENIRE PERSON: It was -- I think it was Friday
8 morning as I was going to work.

9 MS. MORENO: Did you hear anything of any of the
10 details about the case?

11 VENIRE PERSON: I really didn't pay any
12 attention.

13 MS. MORENO: I see that you are a driver for
14 O'O'Riley Auto Parts?

18:00 15 VENIRE PERSON: Yes, I'm a driver.

16 MS. MORENO: This case may take three to four
17 months. Perhaps longer. We're not sure. Knowing that,
18 would that cause you any difficulty or economic hardship
19 at your job?

20 VENIRE PERSON: Well, I'm the only one. I'm not
21 married. I'm single. So I am responsible for my bills.

22 MS. MORENO: Do you know if your company would
23 pay you?

24 VENIRE PERSON: I think they do. I'm not too
25 sure.

18:00 1 MS. MORENO: You are not sure?

2 VENIRE PERSON: No.

3 MS. MORENO: If you find out they don't pay you,

4 would you please alert the Court?

5 VENIRE PERSON: Yes.

6 MS. MORENO: You are a Spanish speaker?

7 VENIRE PERSON: Yes.

8 MS. MORENO: Is Spanish your first language?

9 VENIRE PERSON: Well, my mom doesn't speak

10 English. And at work, too, they are mostly Spanish

11 people.

12 MS. MORENO: In this case, there is going to be

13 translation evidence -- documents, transcripts -- from

14 Arabic to English. Have you ever had a situation in your

18:00 15 life where someone was translating something from Spanish

16 to English?

17 VENIRE PERSON: No.

18 MS. MORENO: Let me give you the example. Are

19 you nervous?

20 VENIRE PERSON: Yes.

21 MS. MORENO: I am, too. Let's relax. Have you

22 ever had a situation where someone was translating from

23 Spanish to English and the words were correct, but the

24 meaning was wrong?

25 VENIRE PERSON: No.

18:00 1 MS. MORENO: Have you ever had that experience?

2 VENIRE PERSON: No.

3 MS. MORENO: This is a case that involves
4 allegations of terrorism. The government says the Holy
5 Land Foundation which is an American Muslim charity
6 through humanitarian aid supported terrorist organization
7 named HAMAS. Have you ever heard of HAMAS?

8 VENIRE PERSON: No.

9 MS. MORENO: Knowing this case involves charges
10 of terrorism which are pretty serious charges -- Do you
11 agree?

12 VENIRE PERSON: Yes.

13 MS. MORENO: Does that cause you any concern in
14 sitting on a jury like this? Does it worry you?

18:00 15 VENIRE PERSON: I guess.

16 MS. MORENO: And I'm sorry to explore this with
17 you, but there is an important reason for me to do that,
18 and I want to tell you what you say is not right or wrong.
19 We're not looking for right or wrong answers. We're not
20 looking for a certain answer. We're trying to determine
21 if this is a good case for you to sit on in terms of your
22 ability to be fair and impartial. Can you tell us, assure
23 us, that you would not be concerned or afraid to sit on a
24 jury like this? Or would you have some fear?

25 VENIRE PERSON: I think I would have some fear.

18:00 1 Concern.

2 MS. MORENO: Tell us about that.

3 VENIRE PERSON: Well, I am very -- I get very
4 nervous. I am very forgetful. I can't remember. I can't
5 communicate that well with people. And if I was asked
6 questions, I would probably not be able to answer them.

7 MS. MORENO: In this case which may take, as I
8 said, four months there is going to be a lot of
9 evidence -- transcripts, documents, videos and tapes. Do
10 you think it would be difficult for you to remember and
11 follow along on this evidence?

12 VENIRE PERSON: Yes.

13 MS. MORENO: Would that be so difficult for you
14 that you couldn't really keep track of the information and
18:00 15 fulfill your duty as a juror?

16 VENIRE PERSON: Yes.

17 MS. MORENO: You couldn't do that, could you?

18 VENIRE PERSON: No.

19 MS. MORENO: Thank you so much. We really
20 appreciate it. Pass the juror.

21 THE COURT: Counsel for the government have
22 questions for Ms. Gonzales?

23 MR. JACKS: Yes, your Honor. Good morning, Ms.
24 Gonzales.

25 VENIRE PERSON: Good morning.

18:00 1 MR. JACKS: My name is Jim Jacks. I'm the
2 Assistant United States Attorney here in Dallas. I'll be
3 one of the prosecutors in this case which means I will be
4 representing the government during this trial, and I have
5 a few questions to ask you as well for a very brief
6 moment.

7 How long have you worked for O'Riley Auto Parts?
8 VENIRE PERSON: Ten years.

9 MR. JACKS: Have you ever held another position
10 over the driver?
11 VENIRE PERSON: No.

12 MR. JACKS: Do you make deliveries to car
13 dealerships and garages and that type of thing?
14 VENIRE PERSON: Yes.

18:00 15 MR. JACKS: Is your work schedule Monday through
16 Friday or do you work on the weekends or does it vary?
17 VENIRE PERSON: Monday through Friday.
18 Sometimes Saturdays. But mostly from Monday to Friday.

19 MR. JACKS: And some of the people who have
20 filled out the questionnaire have filled it out
21 differently, but do you have any children?
22 VENIRE PERSON: I have three boys, but they are
23 all grown.

24 MR. JACKS: Do they still live in the Dallas
25 area?

18:00 1 VENIRE PERSON: Yes.

2 MR. JACKS: Have you lived in the Dallas area
3 your entire life?

4 VENIRE PERSON: Since 1974.

5 MR. JACKS: Before that where were you living?

6 VENIRE PERSON: In California.

7 MR. JACKS: Were you born and raised in
8 California?

9 VENIRE PERSON: I was born in Mexico, and at the
10 age of seven I came to the United States.

11 MR. JACKS: What caused you to move from
12 California to Texas?

13 VENIRE PERSON: Work.

14 MR. JACKS: You were told just a little bit
18:00 15 about this trial. The principal charge essentially has
16 been referred to as providing material support to a
17 terrorist organization; namely HAMAS. And you said you
18 had never heard of a group called HAMAS.

19 VENIRE PERSON: No.

20 MR. JACKS: And I think you have indicated that
21 you are nervous about being here. Is that correct?

22 VENIRE PERSON: Correct.

23 MR. JACKS: In terms of the word "fear," were
24 you afraid before you came here or nervous? Which is the
25 more accurate if you can?

18:00 1 VENIRE PERSON: I guess I was afraid when I got
2 the letter to appear.

3 MR. JACKS: What was it that made you afraid?
4 What were your concerns?

5 VENIRE PERSON: The questions that I was going
6 to be asked. If I was going to be able to understand them
7 and answer them.

8 MR. JACKS: All right. So it was more
9 nervousness or concern or anxiety on your part about being
10 able to respond to questions like this in front of a group
11 of people. Is that a fair statement?

12 VENIRE PERSON: Yes.

13 MR. JACKS: Is that different than being afraid
14 for your safety? Are you afraid for your safety or just
18:00 15 anxious about being questioned in public about things?

16 VENIRE PERSON: I think it's mostly anxious and
17 anxiety.

18 MR. JACKS: Have you ever served on a jury
19 before?

20 VENIRE PERSON: No.

21 MR. JACKS: Have you ever received a jury
22 summons before?

23 VENIRE PERSON: Yes.

24 MR. JACKS: About how many times approximately
25 if it's a lot?

18:00 1 VENIRE PERSON: Just one. This is two.
2 MR. JACKS: This is the second time?
3 VENIRE PERSON: This is the second time.
4 MR. JACKS: The earlier time, was that the
5 Dallas County Courthouse? Is that where you went?
6 VENIRE PERSON: Yes.
7 MR. JACKS: You have obviously no experience
8 being a juror during a trial. You did say that you get
9 nervous. Did I hear you correctly?
10 VENIRE PERSON: Yes.
11 MR. JACKS: And you cannot communicate --
12 VENIRE PERSON: Well, I have a hard time
13 communicating.
14 MR. JACKS: If you should end up on this jury,
18:00 15 do you think that you could pay attention to the evidence
16 and give both sides -- Let me ask that one step at a time.
17 Do you feel like you could pay attention to the evidence?
18 And when I say evidence, I'm talking about witnesses that
19 get on the witness stand and then maybe documents, videos,
20 photographs. Do you feel like you could pay attention to
21 those things as they are being discussed during the trial?
22 VENIRE PERSON: I can, but I might forget.
23 MR. JACKS: Would it help you if you were
24 allowed to take notes?
25 VENIRE PERSON: Probably, yes.

18:00 1 MR. JACKS: If the Judge was to allow the
2 jury -- That is permissible under the law to allow the
3 jury to make notes of what happens so that they can
4 refresh their memory. Anything else that would -- you
5 think we should know about your feelings if you were
6 selected as a juror? Anything else that you think we
7 should know about?

8 VENIRE PERSON: That I'm taking medication for
9 depression?

10 MR. JACKS: Okay. Is that something you take
11 daily?

12 VENIRE PERSON: No. Just when I am --

13 MR. JACKS: When you feel like you need it?

14 VENIRE PERSON: When I feel like I'm getting
18:00 15 depressed.

16 MR. JACKS: Does that medication seem to do its
17 job?

18 VENIRE PERSON: A little bit.

19 MR. JACKS: Ms. Gonzales, near the end of the
20 trial, after both of the parties have presented all the
21 witnesses they want to present and all the documents, the
22 Judge then will tell the jury -- He'll be on the Bench,
23 and he would read to you his instructions which basically
24 tell the jury this is the law that you apply to this case,
25 and you will have a copy yourself. Each juror will have a

18:00 1 written copy of those instructions.

2 THE COURT: Mr. Jacks, your time has expired.

3 MR. JACKS: Thank you. Thank you, Ms. Gonzales.

4 THE COURT: Ms. Gonzales, we are in the process
5 of talking with each member of the panel from which the
6 jury will be drawn that would hear this case. I expect
7 that process will continue today and into tomorrow. So
8 until you hear from us again, you should not discuss this
9 case with anyone or allow anyone to discuss it with you,
10 and if there are any media accounts about this case on the
11 television or in the newspapers or on the radio, you
12 should not read or watch or listen to any of those media
13 accounts. Thank you, you may be excused.

14 MS. MORENO: Thank you, your Honor. We would
18:00 15 move for a cause challenge on this particular juror. She
16 was very clear that she was very nervous and scared. She
17 Stated quite clearly that she would have difficulty
18 keeping track of the evidence. Keeping in mind this is
19 going to be a three- to four-month trial, that would
20 probably not be fair to both sides, your Honor. She's on
21 medication for depression. The stress of this trial would
22 certainly impact that. But most importantly, she was even
23 during Mr. Jacks's questioning -- It's quite clear that
24 she has a tremendous amount of anxiety in serving on this
25 case, and I think that would not be fair to either side.

18:00 1 So we move for a cause challenge.

2 THE COURT: Mr. Jacks, do you have a position
3 about that challenge for cause?

4 MR. JACKS: No.

5 THE COURT: I will excuse Ms. Gonzales for
6 cause.

7 Good morning, Ms. Voss. Counsel for the parties
8 have some questions they would like to ask you.

9 Mr. Westfall.

10 MR. WESTFALL: Thank you, your Honor.

11 Ms. Voss, how are you doing?

12 VENIRE PERSON: All right.

13 MR. WESTFALL: My name is Greg Westfall. I'm
14 one of the criminal defense lawyers on this case. I want
18:00 15 to speak with you a very few minutes. Thank you so much
16 for waiting.

17 VENIRE PERSON: You are welcome.

18 MR. WESTFALL: This case, as you may know by
19 now, is United States versus the Holy Land Foundation.
20 The allegation by the government is that the Holy Land
21 Foundation -- which was an American Muslim charity?

22 VENIRE PERSON: Okay.

23 MR. WESTFALL: The Holy Land Foundation and
24 several of the men in that foundation gave material
25 support to a terrorist organization, specifically HAMAS.

18:00 1 Material support to HAMAS. You probably never heard of
2 material support, but from the words "Holy Land
3 Foundation, criminal case, Muslim charity, HAMAS,
4 Palestine," does this ring any bells? Have you heard
5 about this before?

6 VENIRE PERSON: No.

7 MR. WESTFALL: Okay. Would you do me a favor?
8 Just be sure to keep your voice up. The walls kind of
9 echo. Thank you so much. Do you work? What kind of
10 warehouse is it? What do you do?

11 VENIRE PERSON: We deal in cereal and snack
12 bars.

13 MR. WESTFALL: You make cereal and snack bars?

14 VENIRE PERSON: No. We box it up, and they ship
18:00 15 it off.

16 MR. WESTFALL: Is it the food?

17 VENIRE PERSON: Cereal.

18 MR. WESTFALL: How long have you been doing
19 that?

20 VENIRE PERSON: About a year.

21 MR. WESTFALL: What did you do before that?

22 VENIRE PERSON: Not too much.

23 MR. WESTFALL: Just hung around?

24 VENIRE PERSON: Yes.

25 MR. WESTFALL: How do you like your job?

18:00 1 VENIRE PERSON: It's okay.

2 MR. WESTFALL: What do you do besides your job?

3 VENIRE PERSON: Play basketball and listen to

4 music.

5 MR. WESTFALL: Do you have a pick-up game like

6 at the Y or just in the neighborhood?

7 VENIRE PERSON: The neighborhood.

8 MR. WESTFALL: Is there a group of you that

9 regularly plays?

10 VENIRE PERSON: Yes.

11 MR. WESTFALL: Do you have teams or a league?

12 VENIRE PERSON: Not a league but certain teams.

13 MR. WESTFALL: Is it organized like you have

14 jerseys?

18:00 15 VENIRE PERSON: No.

16 MR. WESTFALL: Just in there in the

17 neighborhood?

18 VENIRE PERSON: Yes.

19 MR. WESTFALL: You have been playing basketball

20 a long time?

21 VENIRE PERSON: Yes.

22 MR. WESTFALL: Did you play in high school?

23 VENIRE PERSON: Yes.

24 MR. WESTFALL: Which position do you play?

25 VENIRE PERSON: Wing, point guard.

18:00 1 MR. WESTFALL: Have you ever been -- You've
2 never been on a jury before, have you?

3 VENIRE PERSON: No, sir.

4 MR. WESTFALL: How do you feel about being on a
5 jury?

6 VENIRE PERSON: Kind of nervous.

7 MR. WESTFALL: Now you are having to be asked
8 questions by a lawyer which is nerve-racking?

9 VENIRE PERSON: Yes.

10 MR. WESTFALL: And this is a case that could go
11 on four months. Maybe longer than four months. Maybe
12 shorter than four months. But four months is kind of the
13 over/under. I want to ask you, does that cause you any
14 hardship? Are you going to lose your job or do you have
18:00 15 any family duties, anything like that that would be
16 impaired? We will be in court I think as a general
17 principal during business hours from Monday through
18 Thursday.

19 VENIRE PERSON: Okay.

20 MR. WESTFALL: So knocking off about 4:45, five
21 o'clock and not being in court on Friday. Given that, do
22 you have any family issues, job issues, that would be very
23 impaired as a result of that?

24 VENIRE PERSON: Well, I take care of my aunt
25 that's kind of legally blind. It's like after work. I

18:00 1 pick her up around 3:20 every day. Other than that,
2 nothing else.

3 MR. WESTFALL: So you pick up your aunt at 3:20
4 every day?

5 VENIRE PERSON: 3:20 every day.

6 MR. WESTFALL: Is there anybody else that could
7 pick up your aunt while you are doing this?

8 VENIRE PERSON: I don't think so. I have been
9 doing that for the last four years.

10 MR. WESTFALL: Is there any other arrangements
11 that can be made for your aunt?

12 VENIRE PERSON: It's possible. It's possible.
13 I have to talk to her about it.

14 MR. WESTFALL: If no arrangements can be made,
18:00 15 is that something that would distract you at 3:20 every
16 day?

17 VENIRE PERSON: It's possible.

18 MR. WESTFALL: Do you know any Muslims at all?

19 VENIRE PERSON: No.

20 MR. WESTFALL: Have you ever had any good
21 experiences or bad experiences with Muslims?

22 VENIRE PERSON: No.

23 MR. WESTFALL: How do you feel about being a
24 juror in a case where Muslim men has anything to do with
25 terrorism?

18:00 1 VENIRE PERSON: I can't say.

2 MR. WESTFALL: What kind of music do you listen

3 to?

4 VENIRE PERSON: R and B.

5 MR. WESTFALL: What are some of your favorite

6 groups?

7 VENIRE PERSON: R. Kelly. I can go on and on.

8 MR. WESTFALL: Do you feel strongly about

9 freedom of speech?

10 VENIRE PERSON: Yes.

11 MR. WESTFALL: What does it mean to you?

12 VENIRE PERSON: Speak what's on your mind.

13 MR. WESTFALL: You speak your mind?

14 VENIRE PERSON: Yes.

18:00 15 MR. WESTFALL: Do you like being free to speak

16 your mind?

17 VENIRE PERSON: Yes.

18 MR. WESTFALL: Do you think other people should

19 be free to speak their mind?

20 VENIRE PERSON: Yes, sir.

21 MR. WESTFALL: Even if you don't like what they

22 are saying?

23 VENIRE PERSON: Even if I don't like what they

24 are saying.

25 MR. WESTFALL: Thank you so much.

18:00 1 THE COURT: Counsel for the government have
2 questions for Ms. Voss?

3 MR. JONAS: Good morning. My name is Barry
4 Jonas. I'm with the Department of Justice, and I'm one of
5 the prosecutors on this case. I just have a few follow-up
6 questions to ask you. I understand in your answers to Mr.
7 Westfall you said you have not heard anything at all about
8 this case.

9 VENIRE PERSON: Correct.

10 MR. JONAS: Have you ever heard of the
11 organization known as HAMAS?

12 VENIRE PERSON: No.

13 MR. JONAS: Know nothing about them?

14 VENIRE PERSON: No.

18:00 15 MR. JONAS: You remember the questionnaire you
16 filled out a few weeks ago?

17 VENIRE PERSON: Yes.

18 MR. JONAS: One of the questions asked about
19 employment, and you checked you were unemployed and laid
20 off. I guess I'm a little confused. Are you currently
21 working at the warehouse?

22 VENIRE PERSON: I am.

23 MR. JONAS: So this is just a mistake?

24 VENIRE PERSON: Yes.

25 MR. JONAS: You also mentioned that you had a

18:00 1 brother who had a drug charge.

2 VENIRE PERSON: Yes.

3 MR. JONAS: Can you tell me about that?

4 VENIRE PERSON: I really don't know too much. I
5 just know that's the reason he's in jail now, because of
6 drugs.

7 MR. JONAS: Do you know how long he's been in
8 jail?

9 VENIRE PERSON: About three years.

10 MR. JONAS: Is he a close brother?

11 VENIRE PERSON: Yes.

12 MR. JONAS: Do you think he was treated fairly
13 in the criminal justice system?

14 VENIRE PERSON: Yes.

18:00 15 MR. JONAS: So there is nothing about his
16 experience that would cause you to think negatively of the
17 prosecution?

18 VENIRE PERSON: No.

19 MR. JONAS: You also indicated you have a friend
20 who is a security officer?

21 VENIRE PERSON: Yes.

22 MR. JONAS: Do you know where he works or she
23 works?

24 VENIRE PERSON: Not anymore. It was Statewide
25 Patrol.

18:00 1 MR. JONAS: That's a private company?
2 VENIRE PERSON: Yes.
3 MR. JONAS: But he doesn't work there anymore?
4 VENIRE PERSON: No.
5 MR. JONAS: You mentioned you pick up your aunt
6 every day at 3:20. You said she is legally blind. Where
7 do you pick her up from?
8 VENIRE PERSON: Dallas Lighthouse for the Blind.
9 MR. JONAS: Where do you take her?
10 VENIRE PERSON: To her house.
11 MR. JONAS: Do you stay with her after you pick
12 her up?
13 VENIRE PERSON: Sometimes.
14 MR. JONAS: Does she live alone?
18:00 15 VENIRE PERSON: Yes.
16 MR. JONAS: When do you take her?
17 VENIRE PERSON: 6:20.
18 MR. JONAS: Do you drop her off on your way to
19 work?
20 VENIRE PERSON: I work nights.
21 MR. JONAS: So you pick her up on your way back
22 from work?
23 VENIRE PERSON: Yes.
24 MR. JONAS: When do you sleep?
25 VENIRE PERSON: Sometimes I don't sleep.

18:00 1 MR. JONAS: Okay. I have had days like that.
2 No further questions, thank you.

3 THE COURT: Ms. Voss, we are in the process of
4 talking with the members of the panel from whom the jury
5 to hear this case will be drawn. So until you hear from
6 us do not discuss the case with anyone or allow anyone to
7 discuss it with you, and if there are any media accounts
8 on the television or in the newspapers or on the radio,
9 you should not watch or listen or read any of those
10 accounts. Thank you. You may be excused.

11 MR. JONAS: Your Honor, we would request the
12 court consider her situation for a hardship.

13 THE COURT: All right, sir. I will add her to
14 the list.

18:00 15 THE COURT: Good morning. Counsel for the
16 parties have some questions to ask you.

17 MR. WESTFALL: Good morning, I'm Greg Westfall.
18 I'm one of defense lawyers in this case. This is the case
19 of United States of America versus Holy Land Foundation
20 which involves a foundation and some Muslim men that are
21 alleged to have given aid to a terrorist organization
22 named HAMAS. Have you heard about that?

23 VENIRE PERSON: I heard the name HAMAS.

24 MR. WESTFALL: So you have heard of the Holy
25 Land Foundation?

18:00 1 VENIRE PERSON: Yes, sir.

2 MR. WESTFALL: Anything that you have heard,

3 have you formed an opinion one way or the other about

4 whether the defendants are innocent or guilty?

5 VENIRE PERSON: No, sir, I just briefly read

6 about it.

7 MR. WESTFALL: This trial could go on four

8 months. Will you be okay with your employment if you end

9 up doing jury service for that long?

10 VENIRE PERSON: I'd probably get fired, lose my

11 job.

12 MR. WESTFALL: What do you think are the chances

13 of that?

14 VENIRE PERSON: They will let me go.

18:00 15 MR. WESTFALL: We're looking at four days a

16 week, Monday through Thursday, during business hours.

17 Under that set of circumstances, do you think you would be

18 terminated from your employment?

19 VENIRE PERSON: Yes.

20 MR. WESTFALL: Would that create a financial

21 hardship on you?

22 VENIRE PERSON: Yes, sir.

23 MR. WESTFALL: Do you support anyone else

24 besides yourself?

25 VENIRE PERSON: My wife and grandson.

18:00 1 MR. WESTFALL: Does your wife work also?
2 VENIRE PERSON: Yes, sir.
3 MR. WESTFALL: Does your grandson live with you?
4 VENIRE PERSON: Yes, sir, he does.
5 MR. WESTFALL: So you basically support the
6 family on wages you earn?
7 VENIRE PERSON: Yes, sir.
8 MR. WESTFALL: You said in your questionnaire
9 that you followed the Palestine-Israeli conflict somewhat
10 closely?
11 VENIRE PERSON: For personal reasons I
12 understand what's going on.
13 MR. WESTFALL: Tell me what you understand.
14 VENIRE PERSON: Well, from what I understand the
18:00 15 Palestinians are fighting for the land taken away by
16 Israel, and from what I understand, HAMAS is the group
17 that came out of Palestine, and they are fighting a war.
18 MR. WESTFALL: Do you do any charity work
19 outside the home at all? It sounds like you have a lot on
20 your hands, but do you do any volunteer work or charity
21 work?
22 VENIRE PERSON: No, sir.
23 MR. WESTFALL: Have you ever?
24 VENIRE PERSON: What do you mean by charity
25 work?

18:00 1 MR. WESTFALL: Volunteering with the church or?

2 VENIRE PERSON: No.

3 MR. WESTFALL: Do you have any friends or
4 associates or acquaintances that are Muslim?

5 VENIRE PERSON: I have a supervisor that's
6 Muslim.

7 MR. WESTFALL: How do you and he get along?

8 VENIRE PERSON: Great. We're good friends. He
9 happens to be like a supervisor. And like I said, I try
10 to understand the conflicts in the Middle East, all the
11 parties involved. I'm not an expert, so I have an idea of
12 what's going. Instead of expressing a foolish opinion, I
13 understand what's going on. He's Palestinian. I was
14 curious to what was going on. I never asked somebody that
18:00 15 has lived in that area. I want to hear their point of
16 view, and he explained that HAMAS is sort of a -- compared
17 them somewhat to Black Panthers. They had some bad people
18 in the group, yes, but the main idea was to fight for
19 justice for them and the same thing here. HAMAS was
20 simply another part of Palestine.

21 MR. WESTFALL: After speaking with him, did your
22 mind change? Did you have some ideas before, and you got
23 new ideas?

24 VENIRE PERSON: Well, it gave me a better
25 understanding of what's going on over there. They have a

18:00 1 news clipping on the television one day on the news
2 channel. They were giving a brief history as to how this
3 thing came about, and from what I understand Israel took a
4 lot of their land, and Palestinian people are fighting for
5 it. So I support their cause, believe me.

6 MR. WESTFALL: Thank you very much. I'm sure my
7 time is up. Thank you.

8 THE COURT: Counsel for the government have any
9 questions of Mr. Abelar?

10 MR. JACKS: Good morning. My name is Jim Jacks,
11 and I'm part of the prosecution in this case, and we'll be
12 representing the government. I just have a few questions
13 for you.

14 VENIRE PERSON: Yes, sir.

18:00 15 MR. JACKS: You work for Central Parking
16 Systems. Do you work at a particular lot all the time?

17 VENIRE PERSON: Yes, sir.

18 MR. JACKS: Where is that lot located?

19 VENIRE PERSON: I work at the Urban Towers, 222
20 O'Connell Boulevard. It's at 114.

21 MR. JACKS: What are your hours daily?

22 VENIRE PERSON: Six to 2:30.

23 MR. JACKS: And you said your supervisor is a
24 Muslim?

25 VENIRE PERSON: Yes, sir.

18:00 1 MR. JACKS: What nationality is he?

2 VENIRE PERSON: Palestine.

3 MR. JACKS: Does he know any of the individuals
4 on trial?

5 VENIRE PERSON: No, he doesn't.

6 MR. JACKS: Have you asked him?

7 VENIRE PERSON: No, I haven't asked him, but
8 when I asked the question about -- explain more about
9 Palestine and HAMAS, I didn't know what HAMAS was until it
10 came in the news more often. But again, I wanted to have
11 a better understanding so who better to ask than someone
12 from that region. And what got my attention is one of my
13 supervisors, he's got a very good business head on him.

14 MR. JACKS: Let me ask you. Is he somebody you
18:00 15 see every day? Stop by every day?

16 VENIRE PERSON: He's like the second in charge.

17 MR. JACKS: Does he work at that location all
18 the time?

19 VENIRE PERSON: That location and a couple of
20 others.

21 MR. JACKS: So you see him every day?

22 VENIRE PERSON: Every day.

23 MR. JACKS: When you filled out the
24 questionnaire I guess on June 7th and saw references to
25 questions about the Holy Land Foundation and the names of

18:00 1 these individuals and then questions asking about the
2 Israeli and Palestinian conflict, did you talk to him
3 about it after you filled out the questionnaire?

4 VENIRE PERSON: Well, I asked about it trying to
5 understand the conflict itself. But not about this trial
6 or this case.

7 MR. JACKS: Okay. But have you talked to him
8 about this case and the Holy Land Foundation, the fact
9 that you may be on the jury?

10 VENIRE PERSON: No, sir.

11 MR. JACKS: Did you see newspapers articles on
12 it in the last few days?

13 VENIRE PERSON: No, sir.

14 MR. JACKS: Do you read the newspapers?

18:00 15 VENIRE PERSON: Yes.

16 MR. JACKS: Do you take the Dallas Morning News?

17 VENIRE PERSON: Yes.

18 MR. JACKS: Do you watch the news at night?

19 VENIRE PERSON: Yes.

20 MR. JACKS: Have you seen news stories about the
21 trial?

22 VENIRE PERSON: No.

23 MR. JACKS: You have gotten your information
24 from him because you are interested in the circumstances;
25 is that right?

18:00 1 VENIRE PERSON: In the region, in the conflict
2 itself, but not any particular -- other than just to be
3 informed so I understand the conflict.

4 MR. JACKS: Have you accepted what he has told
5 you as true?

6 VENIRE PERSON: Well, not just because he talked
7 to me, but because of the news clippings that I have read
8 and seen on the television, the History Channel provided.

9 MR. JACKS: So you have gotten your information
10 from other sources, too?

11 VENIRE PERSON: Yes.

12 MR. JACKS: TV shows, History Channel, that type
13 of thing?

14 VENIRE PERSON: Yes.

18:00 15 MR. JACKS: Are you of the belief that HAMAS is
16 like a freedom fighters' organization?

17 VENIRE PERSON: Somewhat.

18 MR. JACKS: So if the United States Government
19 has declared them to be a terrorist organization, do you
20 disagree with that description of them?

21 VENIRE PERSON: I have mixed feelings because in
22 every group that you find, freedom fighters, no matter
23 what nationality or country you are going to have bad
24 people. But from what I understand they are fighting for
25 Palestinian land.

18:00 1 MR. JACKS: Right. But if the government has
2 said that organization is a terrorist organization, does
3 not differentiate among individuals, just says that
4 organization is a terrorist organization, do you disagree
5 with the government having done that?

6 VENIRE PERSON: I have mixed feelings.

7 MR. JACKS: All right. If the Judge told you at
8 the end of the case that this group has been designated by
9 the government as a terrorist organization, would you be
10 able to accept that or would that influence your verdict?
11 Your mixed feelings.

12 VENIRE PERSON: To be honest, I want to
13 support -- I believe in the HAMAS, their war, if you will.
14 Unfortunately, they are going about it the wrong way, but
18:00 15 they took their land. They took their land.

16 MR. JACKS: Would those feelings affect you?
17 Would you be thinking about that when you are serving on
18 the jury?

19 VENIRE PERSON: I look at the facts.

20 MR. JACKS: I understand, but you bring your
21 feelings in because you are human.

22 VENIRE PERSON: Yes.

23 MR. JACKS: Would those feelings affect your
24 verdict?

25 VENIRE PERSON: To some extent, yes.

18:00 1 MR. JACKS: And going back to your job, if you
2 were going to lose your job from being on this trial, is
3 that going to affect -- When you are sitting here for
4 months not having any income from your job, is that going
5 to concern you while you are sitting here?

6 VENIRE PERSON: Of course.

7 MR. JACKS: And would it pre-occupy your mind
8 and make it difficult for you to serve as a juror?

9 VENIRE PERSON: I don't know. I won't be
10 thinking about that really. My concern would be the case.

11 MR. JACKS: Do you want to be on this jury?

12 VENIRE PERSON: I don't know if you would want
13 me here because I believe in what the Palestinians are
14 doing. I don't like how they go about doing it. The
18:00 15 terrorists.

16 MR. JACKS: Do you think the government might
17 not want you on this jury?

18 VENIRE PERSON: Yes.

19 MR. JACKS: Because of your views and that would
20 be a part of your decision making process?

21 VENIRE PERSON: Yes.

22 MR. JACKS: So you kind of come into this based
23 on -- I don't know if research is too high toned a word.
24 But based on your experiences, you have some ideas about
25 who's right and who's wrong in the Palestinian-Israeli

18:00 1 conflict?

2 VENIRE PERSON: Again, I would have to say if I
3 was picked, no matter how I feel about the conflict over
4 there, I still have to look at the facts.

5 MR. JACKS: I understand. But are you saying
6 you are not going to be setting aside what you have
7 learned on your own regarding how you feel about the
8 situation over there, your opinion about who's right and
9 who's wrong?

10 VENIRE PERSON: What I think about who's right
11 or wrong is not my concern. It concerns the facts of the
12 trial.

13 MR. JACKS: I understand.

14 THE COURT: Mr. Jacks, your time has expired.

18:00 15 Mr. Abelar, we are in the process of talking to
16 all the members of the panel from which the jury will be
17 drawn that would hear this case. I expect that process
18 will go on today and into tomorrow. So until you hear
19 from us, you should not discuss this case with anyone or
20 allow anyone to discuss it with you, and if there are any
21 media accounts about the case in the newspapers or on
22 television or in the newspapers or on the radio, you
23 should not read or watch or listen to any of those news
24 accounts.

25 VENIRE PERSON: I understand.

18:00 1 THE COURT: Thank you. You may be excused.

2 MR. JACKS: Your Honor, at this time the
3 government moves to excuse Mr. Abelar for cause based upon
4 the reason that he has formulated an opinion that would
5 affect his deliberations and that he's basically
6 formulated the belief that HAMAS is a resistance or
7 freedom-fighting group, and in addition also, concerns
8 regarding the loss of his job would be other grounds that
9 would affect or could affect his ability to serve on the
10 jury.

11 THE COURT: Mr. Westfall, do you have a position
12 about that?

13 MR. WESTFALL: Your Honor, as to the challenge
14 for cause, Mr. Jacks posed the question to him "Would this
18:00 15 affect your verdict," and his answer was "I can look at
16 the facts. I would look at the facts in the trial." He
17 said that a couple of different times which is what is
18 required of him. I can see how the opinions that he has
19 are not the same opinions that Mr. Jacks would want a
20 juror to have. But people he disagrees with, that is not
21 a requirement for being struck off the jury. The issue is
22 can he set those aside, and he said a couple of times on
23 his own volition, I will pay attention to the facts. I
24 will pay attention to the facts. This wasn't an issue
25 where he was, you know, just made to go along with

18:00 1 statements that, yeah, I can apply the burden of proof.
2 He actually said I can look at the facts.

3 The hardship, your Honor, that's the Court's
4 discretion after the Court's investigation of the
5 hardship. He seemed kind of equivocal about the hardship.

6 THE COURT: Thank you, sir. I am going to take
7 the challenge for cause to Mr. Abelar under advisement for
8 the time being.

9 Ladies and Gentlemen, we're at the noon hour so
10 I would like to take our midday recess, but I did want to
11 supplement the discussion we had yesterday afternoon about
12 the schedule for the remainder of the week. There are a
13 number of pending challenges for cause or requests for
14 hardship excuses that are pending, and I have not decided
18:00 15 those, but I think probably some of them will be granted
16 at least, and so for the purpose of determining how many
17 people we still need to see in order to have a sufficient
18 number to wind up with a jury of 12 and six alternates, we
19 still have some ways to go. I don't know that I have ever
20 covered this with counsel before -- and I don't know that
21 you would have any way to know this -- but our jury clerk,
22 jury administrator, has an automated telephone system, and
23 normally that's the way these jurors or potential jurors
24 are communicated with. They are told to call this phone
25 number after three o'clock on a given day for

18:00 1 instructions. And I think that I will not be able to know
2 for sure that we have a sufficient number of people from
3 which to strike our lists by three o'clock today. I'm not
4 optimistic that we will reach that threshold by then. So
5 I think probably we are going to be in session on Friday,
6 and I know that must be a disappointment to all concerned.
7 But I think the first time that we will be able to
8 communicate with these persons that we have interviewed to
9 tell them to come back for a general voir dire session
10 will be after three on Thursday. So I wanted to alert
11 everyone of that fact in view of our discussion yesterday
12 afternoon. We'll be in recess for lunch until one
13 o'clock.

14 (Recess)

18:00 15 THE COURT: Good afternoon, Mr. Jones. Counsel
16 for the parties have some questions that they would like
17 to ask you. Mr. Westfall.

18 MR. WESTFALL: Thank you, your Honor.

19 Mr. Jones, I'm Greg Westfall. I'm one of the
20 criminal lawyers on this case. Let me speak with you for
21 a few minutes. Do me a favor and raise your voice so I
22 can hear you over here.

23 VENIRE PERSON: Okay.

24 MR. WESTFALL: Thank you so much. This is the
25 Holy Land Foundation case, as it has come to be known.

18:00 1 United States versus Holy Land Foundation for Relief and
2 Development. Have you heard of it?

3 VENIRE PERSON: I think I recall.

4 MR. WESTFALL: Let me tell you more. It
5 involves allegations that the Holy Land Foundation and
6 certain men who were associated with the Foundation gave
7 material support to HAMAS which is a terrorist
8 organization.

9 VENIRE PERSON: I recall now.

10 MR. WESTFALL: What have you heard about it?

11 VENIRE PERSON: Recently, not much. This was, I
12 would say, over a year ago. I have been out of the
13 country.

14 MR. WESTFALL: Right. Anything that you have
18:00 15 heard give you an opinion one way or the other?

16 VENIRE PERSON: No, sir.

17 MR. WESTFALL: I know you have been gone for a
18 year. Master sergeant?

19 VENIRE PERSON: Yes, sir.

20 MR. WESTFALL: What is your specialty? Do you
21 still have the same MSO that you did when you first
22 started?

23 VENIRE PERSON: No. It fluctuates.

24 MR. WESTFALL: What is your specialty?

25 VENIRE PERSON: My current is petroleum.

18:00 1 MR. WESTFALL: Are you all right talking about
2 this?
3 VENIRE PERSON: Yes.
4 MR. WESTFALL: What did you do when you were in
5 Iraq?
6 VENIRE PERSON: My primary mission was
7 operations NCOIC for our company operations which pretty
8 much consisted of running the support missions and
9 overseeing convoy operations.
10 MR. WESTFALL: So you were the NCOIC at the
11 company level?
12 VENIRE PERSON: Yes.
13 MR. WESTFALL: So kind of quasi first sargeant?
14 VENIRE PERSON: (Witness nods)
18:00 15 MR. WESTFALL: Did you go actually out and do
16 any of the patrolling or any of the action?
17 VENIRE PERSON: Yes, sir.
18 MR. WESTFALL: Please tell us about that.
19 VENIRE PERSON: Well, initially our primary
20 mission was to supply fuel for base operations and the
21 local community. We supplied the water source for that
22 area. It escalated from that to where we were tasked to
23 run convoy missions to the southern and southeast portion
24 of Iraq.
25 MR. WESTFALL: Did you have to use interpreters

18:00 1 to do what you did --

2 VENIRE PERSON: No, sir.

3 MR. WESTFALL: -- to run a supply route. How
4 long have you been back, since November?

5 VENIRE PERSON: Since November.

6 MR. WESTFALL: You say you are still trying to
7 readjust?

8 VENIRE PERSON: Yes.

9 MR. WESTFALL: Could you please tell us a little
10 bit about that?

11 VENIRE PERSON: I guess skittish and leery about
12 my surroundings. On edge to the extent that I don't
13 socialize a lot, with a lot of people. Problem sleeping,
14 resting. A little irritability.

18:00 15 MR. WESTFALL: The supply missions that you did,
16 were they both night missions and day missions?

17 VENIRE PERSON: Yes, sir.

18 MR. WESTFALL: Did you encounter any IED's while
19 you were doing it?

20 VENIRE PERSON: No IED's but did encounter
21 hostile fire.

22 MR. WESTFALL: This trial you may know from the
23 questionnaire -- I don't know if you know or not, but it's
24 going to last a long time, like four months, five months.
25 It will be four times a week for the entire business day,

18:00 1 Monday through Thursday.

2 Do you think that right now you are in a good
3 position to turn your attention to a four-month long
4 trial?

5 VENIRE PERSON: I believe so.

6 MR. WESTFALL: You believe so?

7 VENIRE PERSON: Yes, sir.

8 MR. WESTFALL: Then -- You said you were trying
9 to readjust and feeling skittish. I didn't know if you
10 want to dive into this like four months.

11 VENIRE PERSON: I don't think there is going to
12 be any banging --

13 MR. WESTFALL: If someone startles you in the
14 elevator it's generally pretty safe. Did you know any
18:00 15 Muslims over there?

16 VENIRE PERSON: Yes, I did.

17 MR. WESTFALL: Did you get to know any of the
18 locals?

19 VENIRE PERSON: Yes, we had a lot of interaction
20 with the local populace to where pretty much where we had
21 a lot of the supply routes we had across the Shiekh's
22 territory.

23 MR. WESTFALL: What did you think of them?

24 VENIRE PERSON: I was pretty leery. It was hard
25 to know who to trust and who not to trust. And after time

18:00 1 went on, it seemed like pretty much everybody was under
2 the table. It was who had the money, what type of favor
3 could be done. So you really couldn't establish a
4 hardcore trust.

5 MR. WESTFALL: So they have gone to just about a
6 black market economy over there?

7 VENIRE PERSON: Pretty much.

8 MR. WESTFALL: Well, this case involves
9 obviously Muslim men who are charged with something that,
10 you know, where terrorism is in the title. How do you
11 feel about being a juror on a case where you are actually
12 trying to decide something the government is alleging and
13 it has something to do with terrorism?

14 VENIRE PERSON: I don't equivocate every Muslim
18:00 15 the same. Like I say, there were some good Muslims.
16 There were some that I had to rely on as far as the
17 information in some of the areas who proved to be pretty
18 much trustworthy. I don't form any bias.

19 MR. WESTFALL: You have been an NCO a long time.
20 Have you been in the army reserve a long time?

21 VENIRE PERSON: Seven years.

22 MR. WESTFALL: Have you done any of the charity
23 work? Sometimes they have charity drives in the army.
24 Have you done some of that? United Way or any charity
25 work with your church?

18:00 1 VENIRE PERSON: Well, the unit prior to -- The
2 unit I was currently with in Tyler, Texas, we used to have
3 a lot of civil type of affairs. We would participate in
4 parades, social events, Boy Scouts, Cub Scouts, things of
5 that nature.

6 THE COURT: Mr. Westfall, your time has expired.

7 MR. JACKS: Good afternoon, Mr. Jones. My name
8 is Jim Jacks. I'm an Assistant United States Attorney
9 here in Dallas. I'll be part of the prosecuting team
10 representing the government during this trial, and I have
11 a few questions for you as well.

12 I think I speak for everybody in the room when I
13 say thank you for your service and what you have done. We
14 are all appreciative of people like you and what they have
18:00 15 done.

16 VENIRE PERSON: Thank you, sir.

17 MR. JACKS: With regard to your emotional state,
18 having come back from a combat area, is it such to a
19 degree that you have had counseling or been to the VA or
20 had anything like that that you have utilized?

21 VENIRE PERSON: I'm currently going to
22 counseling, yes, sir.

23 MR. JACKS: Is that helpful?

24 VENIRE PERSON: Not really.

25 MR. JACKS: You may have to just work it out on

18:00 1 your own?

2 VENIRE PERSON: It takes some time. It was a
3 big adjustment to life.

4 MR. JACKS: I believe you said you grew up in
5 Dallas. You are a native Dallasite?

6 VENIRE PERSON: Yes, sir.

7 MR. JACKS: Where did you go to high school,
8 college?

9 MR. JACKS: Yes.

10 VENIRE PERSON: Lincoln High School.

11 MR. JACKS: How about college? Did you attend
12 some college?

13 VENIRE PERSON: I spent a year and a half at
14 North Texas State.

18:00 15 MR. JACKS: How long have you been with the Post
16 Office?

17 VENIRE PERSON: A little over twenty years.

18 MR. JACKS: Has it always been in the capacity
19 as a letter carrier?

20 VENIRE PERSON: Yes, sir.

21 MR. JACKS: I think you put down a city carrier.
22 Does that mean you have a route in the city?

23 VENIRE PERSON: Yes, sir.

24 MR. JACKS: How long have you had your current
25 route? Obviously just since you came back from overseas

18:00 1 did you get the same route back?

2 VENIRE PERSON: Yes, sir.

3 MR. JACKS: How long have you been in the army?

4 VENIRE PERSON: Thirty-one years.

5 MR. JACKS: So you enlisted in the late

6 seventies?

7 VENIRE PERSON: March of 1976.

8 MR. JACKS: Did you retire from active duty

9 after twenty years?

10 VENIRE PERSON: After thirty-one.

11 MR. JACKS: So you are done. Your obligation is

12 complete?

13 VENIRE PERSON: I hope so.

14 MR. JACKS: Well, thirty-one years is probably

18:00 15 enough for one person to give.

16 You indicated as far as your outside activities

17 that you are a member of your men's council at your

18 church?

19 VENIRE PERSON: Yes, sir.

20 MR. JACKS: What church would that be?

21 VENIRE PERSON: Mount Haven Missionary and

22 Baptist Church.

23 MR. JACKS: What part of town is that?

24 VENIRE PERSON: Garland.

25 MR. JACKS: And the men's council, what do they

18:00 1 do as far as what service or function do they provide for
2 the church?

3 VENIRE PERSON: Well, we pretty much coordinate
4 a lot of the social events that pretty much surround
5 functions for the men's choir. Different activities,
6 community services. The list goes on.

7 MR. JACKS: Are you a pretty regular attendee at
8 the church?

9 VENIRE PERSON: Yes, sir.

10 MR. JACKS: How big is the church?

11 VENIRE PERSON: About twenty-two hundred.

12 MR. JACKS: I see you have spent tours of duty
13 in South America.

14 VENIRE PERSON: Yes, sir.

18:00 15 MR. JACKS: What parts of South America were you
16 in?

17 VENIRE PERSON: Guyana. I can't remember.

18 MR. JACKS: That's all right. You have been on
19 a jury before?

20 VENIRE PERSON: Yes.

21 MR. JACKS: Is it just the one that you recall?

22 VENIRE PERSON: Yes.

23 MR. JACKS: Was that a civil matter about child
24 support?

25 VENIRE PERSON: Spouses.

18:00 1 MR. JACKS: So one spouse was seeking either
2 more child support or alimony or something like that from
3 the other?

4 VENIRE PERSON: Yes, sir.

5 MR. JACKS: You have a son and a daughter?

6 VENIRE PERSON: Yes, sir.

7 MR. JACKS: Are both of them away from the home?
8 Have they grown up and left the home?

9 VENIRE PERSON: Yes, sir.

10 MR. JACKS: Did they live with you or your wife
11 last?

12 VENIRE PERSON: My wife. Ex-wife.

13 MR. JACKS: Your son you said had some contact
14 with the local police. Can you tell us briefly what the
18:00 15 nature of that was?

16 VENIRE PERSON: I want to say that it was maybe
17 some issues with drug involvement or usage.

18 MR. JACKS: Was anybody arrested?

19 VENIRE PERSON: I know he was put on probation.

20 MR. JACKS: Do you feel like the criminal
21 justice system treated him fairly in that situation?

22 VENIRE PERSON: As far as I know, yes, sir.

23 MR. JACKS: Is there some question in your mind
24 maybe about certain aspects of it?

25 VENIRE PERSON: Well, there was a situation

18:00 1 where he was arrested, and they said that they had him on
2 video tape and went through a lot of formalities and spent
3 some money and turned out to be that it wasn't him. So
4 there was some issues there but --

5 MR. JACKS: You spent the money for his lawyer
6 and that type of thing?

7 VENIRE PERSON: Yes, I assisted.

8 MR. JACKS: Mr. Westfall told you the charges in
9 this case are providing material support to a terrorist
10 organization --

11 THE COURT: Mr. Jacks, your time has expired.

12 MR. JACKS: Thank you, your Honor.

13 THE COURT: Mr. Jones, we are in the process of
14 talking to the members of the panel from whom the jury
18:00 15 will be drawn, and I expect that process to continue until
16 at least tomorrow. In the meantime, you should not
17 discuss this case with anyone or allow anyone to discuss
18 it with you, and if there are any media accounts about
19 this case on television or in the newspapers or radio you
20 should not read or watch or listen to any of those media
21 accounts. Thank you, sir. You may be excused.

22 THE COURT: Good afternoon, Ms. Overy. Counsel
23 for the parties have some questions for you.

24 MS. MORENO: Good afternoon. My name is Linda
25 Moreno. I'm one of the defense attorneys in this case. I

18:00 1 am going to ask you about the questionnaire you filled out
2 a few months ago and if you have heard anything about the
3 case. This is a case that involves the Holy Land
4 Foundation. And it is an American Muslim charity. I'm
5 wondering if you heard anything about it in television or
6 radio.

7 VENIRE PERSON: Just seeing the head lines in
8 the paper the past couple of days and immediately turned
9 them over because I knew I wasn't supposed to read them.

10 MS. MORENO: Before that, have you heard about
11 the Foundation in the recent past, not just the recent few
12 days?

13 VENIRE PERSON: I'm sure I heard about it four
14 or five years ago when everything occurred, but life has
18:00 15 happened since then so, no, I don't really remember too
16 much about it.

17 MS. MORENO: Let me ask you something from your
18 questionnaire. You indicated you have a diabetic
19 condition.

20 VENIRE PERSON: Yes.

21 MS. MORENO: I need to inquire, forgive me, if
22 that is something that might interfere with your jury
23 service.

24 VENIRE PERSON: Probably not. The only thing,
25 as I mentioned, I'm a Type II, and I control it with

18:00 1 diabetic medication -- and I'm not insulin dependent --
2 and by eating regularly. So I need something to eat about
3 every two hours. I have no idea what sort of breaks are
4 included. So I put that down.

5 MS. MORENO: I see that you are unemployed at
6 the present time.

7 VENIRE PERSON: Currently. Well, actually I
8 have three jobs, but they are all in process to the full
9 time position I was going to be looking for shortly.

10 MS. MORENO: Well, tell me about those three
11 jobs.

12 VENIRE PERSON: The first one is a cashier at an
13 Ace Hardware shop in Coppell. I was employed there full
14 time until May. I gave them my notice because I was going
18:00 15 to be looking for full time employment elsewhere. I still
16 work Sundays for them to keep my discount.

17 Another job that I'm working is a part time for
18 a company called Care Now which has a series of primary
19 care type outlets throughout the Dallas-Fort Worth area.

20 I'm an undercover shopper. They police
21 themselves. I do that on my own time, and I get paid when
22 I turn in the reviews on ones I'm assigned. I turned in
23 three this month, and then occasionally I clean house for
24 a neighbor.

25 MS. MORENO: This trial may last four months.

18:00 1 Would this affect your financial status?

2 VENIRE PERSON: Of course. It's going to affect
3 anybody's if it lasts four months. Yes, absolutely.

4 MS. MORENO: Well, what we need to know is if
5 that affect is so severe that it would impact you in a
6 very serious financial way. That's why I'm asking you
7 that. Because we would like to know that and the Court
8 would like to know that in considering whether you should
9 or should not serve on this jury. So why don't you tell
10 us about that.

11 VENIRE PERSON: It will impact me, not
12 necessarily in a serious, serious way. My husband is
13 employed and has been employed for the last two and a half
14 years with the same company. We don't anticipate anything
18:00 15 happening with that position. So we're financially okay.
16 Do you need to make some money? Yes, that's why I was
17 going to a position that was going to pay a little more
18 than the cashier position I had at this point. How long
19 it will be until I find something, I don't know.

20 MS. MORENO: Do you have any vacations
21 scheduled?

22 VENIRE PERSON: No, we took our vacation in June
23 right after I gave my notice in anticipation of full time
24 employment.

25 MS. MORENO: This is a case that involves

18:00 1 charges of terrorism. The government alleges in this case
2 that the Holy Land Foundation charity sent humanitarian
3 aid to the Occupied Territories, the West Bank and Gaza
4 and that this humanitarian aid was in the form of food,
5 money, books, library books and the rebuilding of homes,
6 that kind of aid. The government alleges that aid somehow
7 benefited the terrorist organization HAMAS. That's what
8 they say. First of all, do you know anything about HAMAS?

9 VENIRE PERSON: Not necessarily. I hear the
10 word on the news.

11 MS. MORENO: Knowing that snippet of
12 information, that these are charges that are
13 terrorism-related, do you have any opinions about that?
14 What do you think about that?

18:00 15 VENIRE PERSON: I think it would cause any
16 thinking person concern in the day and age that we live
17 in. Is it going to make me crawl in a hole and die? No.

18 MS. MORENO: What I need to know from you is
19 whether that would impact you to fairly evaluate the
20 evidence in this case. In other words, your mission is to
21 be the judge of the facts, the facts presented in this
22 room and nowhere else, and knowing this is a case that
23 involves charges of terrorism and what you just said,
24 those concerns, would that affect your ability to be fair
25 and impartial?

18:00 1 VENIRE PERSON: I don't see why.

2 MS. MORENO: Let's talk about speech. There is
3 going to be a lot of speech introduced in this case I
4 expect in the form of conversations, transcripts,
5 etcetera. What are your thoughts on freedom of speech?

6 VENIRE PERSON: It's one of our American rights.

7 MS. MORENO: What about speech that is
8 provocative and inflammatory?

9 VENIRE PERSON: I would have to hear specifics
10 before I made a judgment.

11 MS. MORENO: What would you want to hear, when
12 you say you want to hear specifics?

13 VENIRE PERSON: I'm not sure what you are
14 talking about, when you are talking about inflammatory. I
18:00 15 consider some of what they say on television nowadays
16 inflammatory. Would I want to listen to it? No. Turn it
17 off. That's also an American right, turn the knob. I
18 have to know more. I have to know locale, who was talking
19 and to what. I would have to know more.

20 MS. MORENO: Let's say you heard speech in this
21 case that was critical of American foreign policy and
22 critical of the Government of Israel. You heard that.
23 You saw it in documents, heard it in conversations, read
24 it in leaflets. What do you think about that?

25 VENIRE PERSON: Generally with the information

18:00 1 you just provided, I would say that's probably someone's
2 right.

3 THE COURT: Ms. Moreno, your time is up.

4 MS. MORENO: Thank you.

5 THE COURT: Counsel for the government have
6 questions for Ms. Overy?

7 MR. JONAS: Good afternoon, Ms. Overy. My name
8 is Barry Jonas. I'm one of the prosecutors in this case.
9 I have just a few questions for you. With regard to your
10 employment, you stated that you are preparing for a full
11 time job?

12 VENIRE PERSON: I was preparing to look for a
13 full time job. I had gotten my notice in to my current
14 employer Ace, and I think about three days later I
18:00 15 received the jury summons in the mail which had an
16 explanation sheet that said if selected this could last up
17 to four months.

18 MR. JONAS: Hopefully less?

19 VENIRE PERSON: Needless to say some freedom of
20 expression language passed in our house.

21 MR. JONAS: Prior to the notice coming and those
22 words coming out of your mouth, what type of job were you
23 looking for?

24 VENIRE PERSON: I was considering the
25 possibility of going back into teaching. I was

18:00 1 considering substituting. With the state of our schools
2 right now the chances of my working full time in a very
3 short period of time were probably good because they need
4 people desperately. So I was thinking about substituting
5 around in the area where we had moved the last couple of
6 years to see if I found a school I liked and go back into
7 teaching full time.

8 MR. JONAS: When were you a teacher?

9 VENIRE PERSON: I was a teacher a couple of
10 years ago with the Dallas Independent School District.

11 MR. JONAS: Where did you teach?

12 VENIRE PERSON: A couple of different places, if
13 I can remember their names now. I went through the
14 Dallas -- I can't think of the name of it. Where you come
18:00 15 from a different occupation and you go through their --
16 accredited process, and they put me basically where they
17 needed me. I taught at two different schools in DISD that
18 year, and life happened and things changed for a while.

19 MR. JONAS: I would like to change the subject
20 briefly, and I apologize. I know this is somewhat of a
21 personal questionnaire. But on your questionnaire you
22 indicated that your father had issues with the IRS?

23 VENIRE PERSON: Yes.

24 MR. JONAS: And it appears there were
25 criminal -- or were they civil?

18:00 1 VENIRE PERSON: They were civil I guess. It's
2 been a while now, and I don't remember. Did my father
3 ever serve jail time? No.

4 MR. JONAS: In this case there may be someone
5 from the IRS that would testify for the government.
6 Besides these feelings that everyone has for the IRS, do
7 you have any additional feelings for the IRS that could
8 negatively impact your listening to the testimony?

9 VENIRE PERSON: Other than the general, everyone
10 is -- In fact, they have been running an ad for the last
11 two weeks, and I was going to call them because they are
12 looking for people to work in the Dallas area. I thought
13 that might be interesting.

14 MR. JONAS: To work for the IRS?

18:00 15 VENIRE PERSON: Yes.

16 MR. JONAS: So you don't have negative feelings,
17 anymore than any of the rest of us?

18 VENIRE PERSON: No.

19 MR. JONAS: On the questionnaire about the
20 testimony of law enforcement officers, you checked, yes,
21 that you have difficulty accepting a statement regarding
22 giving equal weight to the testimony of a law enforcement
23 officer versus non law enforcement. Was that a mistake or
24 do you consider police officers to be more credible or
25 less credible?

18:00 1 VENIRE PERSON: In general more credible.

2 MR. JONAS: If the Judge instructs you in this
3 case that you should consider that testimony as you would
4 any other testimony, would you be able to accept that
5 instruction?

6 VENIRE PERSON: I believe I would because it
7 would be in a different context than just being on the
8 street.

9 MR. JONAS: Ms. Moreno briefly mentioned the
10 allegations in this case. And at the end of the case when
11 both sides present their evidence, the Judge is going to
12 instruct you, and we expect he's going to tell you that
13 the U.S. Government has designated HAMAS to be a terrorist
14 organization and that under the law, providing any support
18:00 15 to HAMAS, money or otherwise, is illegal. Would you be
16 able to accept that instruction even if you found the
17 items to be what most people would consider charity?

18 VENIRE PERSON: If that was the definition
19 applied in this case, yes.

20 MR. JONAS: Thank you very much.

21 THE COURT: Ms. Overy, we are in the process of
22 talking to the members of the panel from which this jury
23 will be drawn. So until you hear from us further, you
24 should not discuss this case with anyone or allow anyone
25 to discuss it with you and if there are any media accounts

18:00 1 about the case in the newspapers or on television or
2 radio, you should not pay any attention to any of those
3 media accounts. Thank you. You may be excused.

4 THE COURT: Good afternoon, Mr. Proctor.
5 Counsel for the parties have some questions they would
6 like to ask you.

7 MS. MORENO: Good afternoon, Mr. Proctor. My
8 name is Linda Moreno. I'm one of the attorneys in this
9 case. I am going to ask you some questions about the
10 questionnaire you filled out a few weeks ago and if you
11 have heard anything about this particular case.

12 This is a case that involves an American Muslim
13 charity called the Holy Land Foundation. Have you heard
14 anything about it in the press? Any media accounts?

18:00 15 VENIRE PERSON: I remember seeing when they
16 raided the offices. I remember the images of bringing
17 things out of the office. That's all I remember.

18 MS. MORENO: Where do you live?

19 VENIRE PERSON: In Dallas.

20 MS. MORENO: And was that a few years ago you
21 remember seeing that?

22 VENIRE PERSON: Yes.

23 MS. MORENO: Have you seen anything recently?

24 VENIRE PERSON: No.

25 MS. MORENO: Anything about that memory -- This

18:00 1 is our opportunity to talk to you and see if you are right
2 for this jury. There are no right or wrong answers.
3 Doesn't matter what they are. Just looking for your
4 honest, heartfelt opinions.

5 That said, is there anything you heard then
6 about the charity that causes you any concern or raises
7 any red flags for you?

8 VENIRE PERSON: No.

9 MS. MORENO: This case involves an American
10 Muslim charity that the government claims through the
11 distribution of humanitarian aid supported a terrorist
12 organization named HAMAS. Have you ever heard of HAMAS?

13 VENIRE PERSON: In the news, yes.

14 MS. MORENO: Is there anything about what I have
18:00 15 just told you, the nature of the charges, material support
16 of a terrorist organization -- They sound pretty serious,
17 right?

18 VENIRE PERSON: Yes.

19 MS. MORENO: Is there anything about that that
20 causes you any concern or brings up any opinions that you
21 may have?

22 VENIRE PERSON: Not really.

23 MS. MORENO: Do you know any Muslims?

24 VENIRE PERSON: No.

25 MS. MORENO: Have you ever had any dealings,

18:00 1 business dealings, personal dealings with persons of
2 Arabic descent?

3 VENIRE PERSON: I drive a bus in Dallas, and I
4 go through an area that has a lot of Muslims probably.
5 Near Richland College.

6 MS. MORENO: And you can tell they are Muslims
7 by what? How they dress?

8 VENIRE PERSON: Yes, mainly by the way they
9 dress.

10 MS. MORENO: Do you have any opinions about
11 that? It's okay to have opinions.

12 VENIRE PERSON: I just think it's odd, the way
13 the women have to wear things covering their head.

14 MS. MORENO: In this case, all of the gentlemen
18:00 15 charged are Muslim, and they are all of Arabic descent and
16 so I would like to know, sir, if there is anything about
17 that -- sitting in judgment of persons who are Muslim and
18 of Arabic descent -- that you think, you know what, I
19 can't be fair. I really can't have an open mind about
20 this kind of case.

21 VENIRE PERSON: It doesn't really matter to me,
22 the religion or where they are from.

23 MS. MORENO: Do you know anything about the
24 religion?

25 VENIRE PERSON: No.

18:00 1 MS. MORENO: As a bus driver, have you received
2 any first responder training? Any emergency training?

3 VENIRE PERSON: No, not really.

4 MS. MORENO: None at all?

5 VENIRE PERSON: No.

6 MS. MORENO: You are in the union?

7 VENIRE PERSON: Yes.

8 MS. MORENO: Do you hold a position in the
9 union?

10 VENIRE PERSON: No.

11 MS. MORENO: What's the union?

12 VENIRE PERSON: Amalgamated Transit Union.

13 MS. MORENO: How long have you been a member?

14 VENIRE PERSON: Seven to ten years.

18:00 15 MS. MORENO: And you don't hold any position in
16 the union; is that right?

17 VENIRE PERSON: No, I don't.

18 MS. MORENO: Is there anything about the length
19 of this trial? It's a four-month trial.

20 VENIRE PERSON: I would love to miss work, but I
21 have plane tickets paid for for Nicaragua in August.

22 MS. MORENO: August when?

23 VENIRE PERSON: 10th.

24 MS. MORENO: When did you get the tickets?

25 VENIRE PERSON: About a month or so ago.

18:00 1 MS. MORENO: Is that a family excursion?
2 VENIRE PERSON: Yes.
3 MS. MORENO: With your wife or other members of
4 family?
5 VENIRE PERSON: Yes.
6 THE COURT: Counsel for the government have
7 questions of Mr. Proctor?
8 MR. JONAS: Very briefly, your Honor.
9 Good afternoon, Mr. Proctor. My name is Barry
10 Jonas. I'm one of the prosecutors in this case. I have a
11 couple of questions. You have a seventeen year old
12 daughter. Tough age I imagine?
13 VENIRE PERSON: Yes, sir.
14 MR. JONAS: If you were to be chosen for the
18:00 15 jury, are there any issues of child care?
16 VENIRE PERSON: No.
17 MR. JONAS: I notice in the questionnaire you
18 filled out you have a degree in construction management?
19 VENIRE PERSON: Yes.
20 MR. JONAS: Have you ever worked in construction
21 before?
22 VENIRE PERSON: Briefly until everything went
23 down in the construction industry for a while, and then I
24 applied for a DART bus driver.
25 MR. JONAS: It's cyclic, good and bad?

18:00 1 VENIRE PERSON: Yes.

2 MR. JONAS: I notice you put down you have been
3 in Dallas for twenty-five years?

4 VENIRE PERSON: Yes.

5 MR. JONAS: Where did you grow up?

6 VENIRE PERSON: Louisiana and came to Dallas in
7 the seventies.

8 MR. JONAS: What brought you to Dallas?

9 VENIRE PERSON: My mother moved here, and I kind
10 of followed.

11 MR. JONAS: Nothing further, your Honor. Thank
12 you.

13 THE COURT: Mr. Proctor, I would like to ask a
14 question about the plans that you have made, these prepaid
18:00 15 plane tickets for August 10th to August 20th. Is there a
16 possibility of changing the date of that trip if you were
17 selected to serve on this jury?

18 VENIRE PERSON: Not from me. No.

19 THE COURT: And if you were selected to serve on
20 the jury and had to miss the trip, does that mean you just
21 lose the money you have already paid for those tickets?

22 VENIRE PERSON: Yes.

23 THE COURT: You can probably tell we're in the
24 process of talking with the members of the panel from
25 which the jury will be drawn that will hear this case, and

18:00 1 I expect that process will go on through today and into
2 tomorrow. Until you hear from us again, you should not
3 discuss this case with anyone or allow anyone to discuss
4 it with you, and if there are any media accounts about the
5 case in the newspaper or on the television or radio, you
6 should not read or watch or listen to any of those media
7 accounts. Thank you. You may be excused.

8 MS. MORENO: Your Honor, I would ask the Court
9 to consider Mr. Proctor's vacation and take that under
10 advisement in your hardship considerations.

11 THE COURT: Yes, ma'am, I will do that. Thank
12 you.

13 Good afternoon, Ms. Graham. Counsel for the
14 parties have some questions they would like to ask you.

18:00 15 MR. WESTFALL: Ms. Graham, good afternoon.

16 VENIRE PERSON: Good afternoon.

17 MR. WESTFALL: My name is Greg Westfall. Thank
18 you for doing this and coming and waiting.

19 VENIRE PERSON: Thank you.

20 MR. WESTFALL: I'm one of the defense lawyers on
21 the case. I would like to speak with you for a few
22 minutes. The case, I'll just let you know, is United
23 States versus the Holy Land Foundation, and it involves an
24 American Muslim charity. The government alleges that the
25 charity and some of the men involved with the charity gave

18:00 1 material support to HAMAS which is a terrorist
2 organization. After telling you that, do you recognize
3 the facts at all from the case in the media?

4 VENIRE PERSON: No, sir.

5 MR. WESTFALL: Don't know anything about it?

6 VENIRE PERSON: No, nothing about the news.

7 Anything about the news.

8 MR. WESTFALL: You don't watch the news?

9 VENIRE PERSON: I look at the History Channel,
10 National Geographic.

11 MR. WESTFALL: You work at the cafeteria for
12 DISD. How long have you been doing that?

13 VENIRE PERSON: Two years and before that I
14 worked at a family-owned restaurant in Oak Cliff.

18:00 15 MR. WESTFALL: How do you like the work at the
16 cafeteria?

17 VENIRE PERSON: It's fine being around the
18 children.

19 MR. WESTFALL: Do you work in the line and give
20 the food?

21 VENIRE PERSON: Yes, I do.

22 MR. WESTFALL: Are you in an elementary or --

23 VENIRE PERSON: Elementary.

24 MR. WESTFALL: You got the babies. While they
25 are still cute?

18:00 1 VENIRE PERSON: Right.

2 MR. WESTFALL: You used to live in Flint?

3 VENIRE PERSON: Yes.

4 MR. WESTFALL: When did you come down here from

5 Flint?

6 VENIRE PERSON: 1998.

7 MR. WESTFALL: Why did you leave Flint?

8 VENIRE PERSON: It was a voluntary layoff from

9 Citizen's Bank. So I took a voluntary layoff.

10 MR. WESTFALL: What brought you down here?

11 VENIRE PERSON: I'm from Louisiana.

12 MR. WESTFALL: And so you wanted to go back to

13 the south where it wasn't cold anymore?

14 VENIRE PERSON: I love cold weather.

18:00 15 MR. WESTFALL: You do? You are in the wrong

16 place. This case involves allegations of material support

17 of terrorism. So terrorism is in the name of the offense.

18 How do you feel about sitting on a jury that could involve

19 issues like that?

20 VENIRE PERSON: I wouldn't mind it at all.

21 MR. WESTFALL: Are you active in your church?

22 VENIRE PERSON: No, I'm not.

23 MR. WESTFALL: Do you do any sort of community

24 work?

25 VENIRE PERSON: No, I do not.

18:00 1 MR. WESTFALL: Have you ever done like voluntary
2 work?
3 VENIRE PERSON: When I was in Michigan but not
4 here.
5 MR. WESTFALL: Do you know any Muslims?
6 VENIRE PERSON: (No response)
7 MR. WESTFALL: Or people who are Arab?
8 VENIRE PERSON: I know friends from Ethiopia and
9 Nigeria.
10 MR. WESTFALL: And you have good experiences
11 with them?
12 VENIRE PERSON: Sure do.
13 MR. WESTFALL: Do you know anybody who's of
14 Arabic descent?
18:00 15 VENIRE PERSON: No, I don't.
16 MR. WESTFALL: Do you have any dealings with
17 people of Arabic descent in your day-to-day activities?
18 VENIRE PERSON: No.
19 MR. WESTFALL: Had any good experiences?
20 VENIRE PERSON: No.
21 MR. WESTFALL: Bad experiences?
22 VENIRE PERSON: I don't know any Arabs.
23 MR. WESTFALL: That's the conclusion I was
24 arriving at. Thank you so much for speaking to us.
25 THE COURT: Counsel for the government have

18:00 1 questions for Ms. Graham?

2 MR. JACKS: Good afternoon, Ms. Graham?

3 VENIRE PERSON: Good afternoon.

4 MR. JACKS: My name is Jim Jacks. I'm an
5 Assistant United States Attorney here in Dallas, and I
6 will be one of the prosecutors representing the government
7 during this trial. I just have a few questions if I could
8 ask you.

9 So you moved to Dallas in the late eighties?

10 VENIRE PERSON: Yes, September 1988.

11 MR. JACKS: At that time did you go to work for
12 the restaurant you were telling us about?

13 VENIRE PERSON: Yes.

14 MR. JACKS: What was the name?

18:00 15 VENIRE PERSON: Michelle Fried Chicken.

16 MR. JACKS: Where was it located?

17 VENIRE PERSON: On Overton Road.

18 MR. JACKS: And you worked there?

19 VENIRE PERSON: Until 2005 whether it closed.

20 MR. JACKS: Did you work as a waitress or some
21 other capacity?

22 VENIRE PERSON: Waitress and cook.

23 MR. JACKS: Are you off for the summer?

24 VENIRE PERSON: Yes, I am.

25 MR. JACKS: And are you doing anything else at

18:00 1 this time?

2 VENIRE PERSON: I'm taking care of my sister.

3 She's handicapped and bedridden.

4 MR. JACKS: Does she live with you in your home?

5 VENIRE PERSON: Yes.

6 MR. JACKS: Who else lives with you?

7 VENIRE PERSON: My twin sister and my niece.

8 MR. JACKS: Is your twin sister the one who's

9 handicapped?

10 VENIRE PERSON: No.

11 MR. JACKS: You have another sister?

12 VENIRE PERSON: Yes.

13 MR. JACKS: Does your sister that requires

14 care -- does she require care around the clock?

18:00 15 VENIRE PERSON: Yes, she does.

16 MR. JACKS: And your other family --

17 VENIRE PERSON: My twin sister takes care of her

18 but when she gets a little tired, I step in.

19 MR. JACKS: Do you have any children of your

20 own?

21 VENIRE PERSON: No, I don't.

22 MR. JACKS: And I take it from your

23 questionnaire that you have not served on a trial jury

24 before.

25 VENIRE PERSON: No, sir.

18:00 1 MR. JACKS: Have you ever received a jury
2 summons?
3 VENIRE PERSON: Only from the City of Dallas.
4 MR. JACKS: Was that for like municipal court?
5 VENIRE PERSON: George Allen.
6 MR. JACKS: I believe you said your brother
7 worked for the Dallas Morning News.
8 VENIRE PERSON: He used to.
9 MR. JACKS: Is he retired?
10 VENIRE PERSON: Yes, he is.
11 MR. JACKS: And what did he do when he work for
12 them?
13 VENIRE PERSON: Worked on computers.
14 MR. JACKS: What does he do now?
18:00 15 VENIRE PERSON: Nothing.
16 MR. JACKS: Is he still here in the Dallas area?
17 VENIRE PERSON: Yes, sir.
18 MR. JACKS: When did your brother come to Texas?
19 VENIRE PERSON: 1976.
20 MR. JACKS: Before you came?
21 VENIRE PERSON: Oh, no, I came in 1972 and moved
22 to Flint.
23 MR. JACKS: To talk to you a little bit about
24 the charges in this case, have you heard of the terrorist
25 group HAMAS?

18:00 1 VENIRE PERSON: No.

2 MR. JACKS: The principal charge is essentially
3 that the Holy Land Foundation and certain men working for
4 it provided material support to this terrorist
5 organization, HAMAS. And at the end of the trial when
6 both sides have finished presenting their evidence, the
7 Judge will tell both sides what the law is and what the
8 government must prove to prove its case and definitions of
9 words that you might need to know so that you can do your
10 job. And I expect in those instructions he would tell
11 you, the jury, this group HAMAS has been designated by the
12 United States Government as a terrorist organization. I
13 also expect that he would include in his instructions a
14 statement telling the jurors that it is against the United
18:00 15 States law to give anything to or for the benefit of a
16 terrorist organization. That means even things considered
17 charitable items like food, clothing, medical supplies,
18 books, that type of thing, even that type of stuff. It
19 would be against the law to provide that type of material
20 to a terrorist organization. Do you understand that
21 aspect of the law and could you follow that aspect of the
22 law if the Judge told you that was the law?

23 VENIRE PERSON: I sure could.

24 MR. JACKS: Okay. Thank you.

25 VENIRE PERSON: Thank you.

18:00 1 THE COURT: Ms. Graham, we are in the process of
2 talking with the members of the panel from which the jury
3 will be selected that would hear this case. I expect that
4 process will continue until at least late tomorrow. So
5 until you hear from us again, you should not discuss this
6 case with anyone or allow anyone to discuss it with you,
7 and if there are any media accounts about the case on the
8 television or in the newspapers or on the radio, you
9 should not pay any attention to those accounts.

10 VENIRE PERSON: Yes, sir.

11 THE COURT: Thank you.

12 Good afternoon, sir, is your name pronounced
13 Morones?

14 VENIRE PERSON: Yes, sir.

18:00 15 THE COURT: Counsel for the parties have some
16 questions they would like to ask you.

17 MR. WESTFALL: Mr. Morones, I'm Greg Westfall.
18 I'm one of the defense counsel in this case. I would like
19 to speak to you for a few minutes. This case is the
20 United States versus Holy Land Foundation for Relief and
21 Development, and it involves allegations that the Holy
22 Land Foundation and some of the men who were involved in
23 the Holy Land Foundation gave material support to HAMAS
24 which is a terrorist organization. It's a Muslim charity
25 originally in Richardson, Texas. Having heard that, does

18:00 1 that ring any bell?

2 VENIRE PERSON: Yes, I have heard of it.

3 MR. WESTFALL: What have you heard?

4 VENIRE PERSON: Just what you told me.

5 MR. WESTFALL: Based on what you have heard,
6 have you formed any opinions about whether anyone is
7 guilty?

8 VENIRE PERSON: No, sir.

9 MR. WESTFALL: On your questionnaire you
10 answered Number 3 yes, which is do you have a problem with
11 hearing or vision?

12 VENIRE PERSON: Well, I have to wear these
13 glasses to see you and other glasses to read.

14 MR. WESTFALL: So you don't have any problems
18:00 15 that aren't correctable with glasses?

16 VENIRE PERSON: No.

17 MR. WESTFALL: Tell me. You work full time for
18 the night crew. What do you do?

19 VENIRE PERSON: I work a night crew at Sam's on
20 Park Lane.

21 MR. WESTFALL: How often do you have to do the
22 night crew?

23 VENIRE PERSON: Five days a week.

24 MR. WESTFALL: Monday through Friday?

25 VENIRE PERSON: Tuesday through Saturday.

18:00 1 MR. WESTFALL: Did you do the night crew last
2 night?

3 VENIRE PERSON: No, I had to take off the night
4 before, I couldn't be here this morning.

5 MR. WESTFALL: You look amazingly spry I was
6 going to say. This trial is likely to go four months. Is
7 your job in jeopardy if that happens or are you going to
8 have to be working all night and coming in here?

9 VENIRE PERSON: I run a three-man crew
10 sometimes, and when I'm out, there is only two men to pick
11 up for me, and I have to talk to them to find out if they
12 can replace me for that amount of time.

13 MR. WESTFALL: Would you please look into that
14 and let the jury clerk know as quickly as you can?

18:00 15 VENIRE PERSON: Yes.

16 MR. WESTFALL: You know this case has something
17 to do with terrorism. Terrorism is in the name of the
18 offense. How do you feel about the possibility of being a
19 juror on this case?

20 VENIRE PERSON: I have mixed feelings about
21 that. My niece was in New York City at the time of 9-11,
22 and she saw a lot of it, and a year later she killed
23 herself. Nobody knew why because she was getting ready to
24 get married. We figured it was because of that. She saw
25 a lot.

18:00 1 MR. WESTFALL: I'm sorry. Were you pretty close
2 to your niece?

3 VENIRE PERSON: I was one of the favorite
4 uncles. I was the youngest of three uncles, and we were
5 more close to the young kids. So I was real close to her,
6 yes. Her name was Octavia Padilla.

7 MR. WESTFALL: Well, let me just say this about
8 a trial. Have you been on a jury before?

9 VENIRE PERSON: No, I never have.

10 MR. WESTFALL: Every trial is different. The
11 requirements and the appropriate things to think about to
12 be a juror on any type of trial kind of goes along with
13 the type of trial. This trial certainly involves material
14 support of terrorism. And in order to be an effective
18:00 15 juror, you would have to be able to make a consideration
16 of the guilt or innocence of the people based upon only
17 the evidence here in trial.

18 Your niece, only you can say. Is that the kind
19 of thing that would be on your mind? Would your niece be
20 on your mind when you're in here during this trial?

21 VENIRE PERSON: She has been on my mind since
22 she did it. I believe it had a lot to do with her doing
23 it to herself. She was a curator for a museum in New
24 York. Like I said, she was about to get married, and
25 there was no reason for her to do that.

18:00 1 MR. WESTFALL: I am very, very sorry. Do you
2 think this might not be the best trial for you to sit on
3 the jury?

4 VENIRE PERSON: I wouldn't think so. To be
5 honest with you, it would be hard for me to do that.

6 MR. WESTFALL: Sir, thank you so much and I'm
7 sorry for your loss.

8 VENIRE PERSON: Yes, sir.

9 THE COURT: Counsel for the government have
10 questions for Mr. Morones?

11 MR. JACKS: Yes, sir. My name is Jim Jacks.
12 I'm an Assistant United States Attorney for the United
13 States Attorney's Office, and I'll be representing the
14 government during this trial. I too extend my sympathy
18:00 15 for the loss of your niece. How long had she been in New
16 York?

17 VENIRE PERSON: About two years.

18 MR. JACKS: Was she from this area?

19 VENIRE PERSON: Yes, she had graduated from SMU.
20 She had gone to North Carolina first to her sister's house
21 and then to New York City.

22 MR. JACKS: And what museum she was working at?

23 VENIRE PERSON: Fine Arts Museum. I don't know.

24 MR. JACKS: And it's my understanding that you
25 and your family don't know why, but you surmise it might

18:00 1 have been partly because of the incident on 9-11?

2 VENIRE PERSON: Yes.

3 MR. JACKS: Where was she when that happened?

4 VENIRE PERSON: I don't know. She said she saw
5 part of it when she came down to talk to us, but she
6 wouldn't talk that much about it. So I don't know how
7 close she was to it.

8 MR. JACKS: Your job responsibilities, what are
9 your hours where you work?

10 VENIRE PERSON: I work from nine o'clock to five
11 or 5:30.

12 MR. JACKS: Is that something you choose to do
13 or is that the only hours that work can be done?

14 VENIRE PERSON: That's the only hours that work
18:00 15 can be done.

16 MR. JACKS: When you are not going to respond to
17 a jury summons during the day, is that when you sleep and
18 get your rest?

19 VENIRE PERSON: Yes. I sleep from nine o'clock
20 to two or three o'clock in the afternoon. Get up for an
21 hour, eat lunch and lay back down and get back up at 6:30
22 or 7:00.

23 MR. JACKS: Is it your opinion if you were to
24 end up on this jury, having gone through what you have
25 gone through that you will not be able to be a fair and

18:00 1 impartial juror for these gentlemen?

2 VENIRE PERSON: It would be hard for me to say.
3 I would like to be, but I don't know if I could.

4 MR. JACKS: Well, is there a chance that you
5 would hold them responsible for what happened on 9-11?

6 VENIRE PERSON: Not directly, no.

7 MR. JACKS: Indirectly?

8 VENIRE PERSON: Depending on if it comes out the
9 money is going to terrorists, your Honor.

10 MR. JACKS: Well, but if the money is going to
11 terrorists and you believe that beyond a reasonable doubt,
12 then that would make them guilty, and if you believe they
13 are guilty, that doesn't necessarily make you an unfair
14 juror, does it?

18:00 15 VENIRE PERSON: My opinion?

16 MR. JACKS: Yes.

17 VENIRE PERSON: Yeah. I don't think it would.

18 MR. JACKS: Well, as Mr. Westfall said, only you
19 know. If you should end up on this jury -- and that's
20 something yet to be decided -- could you be a person that
21 would listen to the evidence, listen to the Judge's
22 instructions and follow the law, give these gentlemen the
23 presumption of innocence that the Constitution says they
24 are entitled to, require the government to prove its case
25 beyond a reasonable doubt? You are the only one that can

18:00 1 tell us that, and I guess the ultimate \$64,000 question is
2 can you do that?

3 VENIRE PERSON: I think I possibly could.

4 MR. JACKS: Do you feel like this would not be
5 the jury that you should be on?

6 VENIRE PERSON: In my heart I don't think so.

7 MR. JACKS: Does that mean, no, I don't think I
8 should be on this jury?

9 VENIRE PERSON: I don't think I should be on
10 this jury.

11 MR. JACKS: Thank you.

12 THE COURT: Thank you, Mr. Morones. We're in
13 the process of talking with the members of the panel from
14 whom this jury will be drawn, and that process will
18:00 15 probably go on for the rest of today and into tomorrow.
16 Until you hear from us, you should not discuss this case
17 with anyone or allow anyone to discuss it with you, and if
18 there are any media accounts on the television or in the
19 newspapers or on the radio, you should not pay any
20 attention to those accounts. Thank you, sir. You may be
21 excused.

22 MR. WESTFALL: Your Honor, we'll submit Mr.
23 Morones for inability to be fair and impartial.

24 THE COURT: Any objection to that, Mr. Jacks?

25 MR. JACKS: No, sir.

18:00 1 THE COURT: I will excuse Mr. Morones for cause.
2 Good afternoon, Ms. Munoz, counsel for the parties have
3 some questions they would like to ask you.

4 MS. MORENO: Hello, Ms. Munoz. I'm one of the
5 defense attorneys in this case, and I am going to ask you
6 some questions about the questionnaire you filled out.

7 VENIRE PERSON: Okay.

8 MS. MORENO: Remember doing that a couple of
9 weeks ago?

10 VENIRE PERSON: Yes.

11 MS. MORENO: First of all, this is a case that
12 involves the Holy Land Foundation which is an American
13 Muslim charity in Dallas, and I'm wondering if you heard
14 anything about the Holy Land Foundation in the press
18:00 15 recently.

16 VENIRE PERSON: No.

17 MS. MORENO: Do you recall hearing anything
18 about it some years ago?

19 VENIRE PERSON: No.

20 MS. MORENO: Have you been in Dallas your whole
21 life?

22 VENIRE PERSON: Yes.

23 MS. MORENO: I see that you are unemployed.

24 VENIRE PERSON: Yes.

25 MS. MORENO: Are you looking for work?

18:00 1 VENIRE PERSON: Yes.

2 MS. MORENO: I ask you that not to pry, but this

3 case is going to take about four months.

4 VENIRE PERSON: Okay.

5 MS. MORENO: And I'm wondering what kind of an

6 effect is that going to have on your life and your home?

7 VENIRE PERSON: Well, I just recently started

8 looking for a job, so. It's not really going to effect

9 anything. I still live with my parents.

10 MS. MORENO: They are helping you?

11 VENIRE PERSON: Yes.

12 MS. MORENO: Where did you go to school?

13 VENIRE PERSON: High school?

14 MS. MORENO: Yes.

18:00 15 VENIRE PERSON: Riley Christian Academy.

16 MS. MORENO: Where is that?

17 VENIRE PERSON: In Dallas.

18 MS. MORENO: Did you go to college at all?

19 VENIRE PERSON: I went to Cedar Valley and

20 Trinity Valley.

21 MS. MORENO: What did you study?

22 VENIRE PERSON: Just my basics.

23 MS. MORENO: Did you get a degree from there?

24 VENIRE PERSON: No.

25 MS. MORENO: This is a case that involves

18:00 1 allegations of terrorism. The government claims that this
2 organization, Holy Land Foundation, sent aid to a
3 terrorist organization. Books, clothes, medicine, things
4 you would think of as charity. But the government says
5 these items somehow benefited a terrorist organization
6 named HAMAS. That's what they say. Have you ever heard
7 of HAMAS?

8 VENIRE PERSON: Just on television but I didn't
9 pay any attention.

10 MS. MORENO: If you were picked as a juror on
11 this case, you would have to pay a lot of attention to
12 things like that, HAMAS and terrorism. What are your
13 thoughts about that?

14 VENIRE PERSON: About terrorism?

18:00 15 MS. MORENO: About sitting on a case with
16 charges of terrorism.

17 VENIRE PERSON: Well, I believe that it's not
18 right, but I don't really have thoughts.

19 MS. MORENO: In a criminal trial, anyone who's
20 accused of a crime has the presumption of innocence. Have
21 you heard of that before?

22 VENIRE PERSON: No.

23 MS. MORENO: What it means is under the
24 Constitution anybody accused of a crime is presumed
25 innocent. They start way up here; they are presumed

18:00 1 innocent. And that presumption of innocence goes away
2 after the government proves its case beyond a reasonable
3 doubt. Have you heard of that term beyond every
4 reasonable doubt?

5 VENIRE PERSON: Yes.

6 MS. MORENO: And what I'm asking you is in a
7 case that involves charges of terrorism which are pretty
8 serious charges, do you have any concerns about that or
9 problems with the presumption of innocence? What do you
10 think about that?

11 VENIRE PERSON: I don't know. Everybody --

12 MS. MORENO: Let me tell you there aren't any
13 wrong answers. We're just looking for your opinions and
14 how you feel inside?

18:00 15 VENIRE PERSON: Okay.

16 MS. MORENO: No one is judging here but we need
17 to know, and only you can tell us if you have some
18 opinions that would make it difficult for you to sit on a
19 case like this.

20 VENIRE PERSON: No. I mean due to the fact that
21 I don't know that much about it I can't have a negative or
22 positive thought to it. So.

23 MS. MORENO: Do you know any Muslims?

24 VENIRE PERSON: No.

25 MS. MORENO: Have you ever dealt with any people

18:00 1 of Arabic descent?

2 VENIRE PERSON: Yes.

3 MS. MORENO: Tell us about that?

4 VENIRE PERSON: Cosmetology school, a lot of
5 them came in, and we talked to them.

6 MS. MORENO: Were they Muslim women?

7 VENIRE PERSON: Yes.

8 MS. MORENO: How did you know they were Muslim?

9 VENIRE PERSON: We had to go to a certain room
10 and cover everything up, and no one could see us work on
11 their hair, only us, and then cut their hair.

12 MS. MORENO: What did you think of that?

13 VENIRE PERSON: We got used to it. Every week
14 you had your clients, and you got used to it.

18:00 15 MS. MORENO: Did you ever ask them why they
16 cover?

17 VENIRE PERSON: Yes, but after you hear
18 everybody's story, you forget it. They said in their
19 custom, it's not allowed for anybody to see their hair.

20 MS. MORENO: What did you think about that?
21 Here were these ladies who covered their hair, covered
22 their heads. What were your thoughts about that, you as a
23 young lady?

24 VENIRE PERSON: Well, everybody has their own
25 beliefs. So it's not like I went into detail, you know,

18:00 1 why do you do it. Don't you ever want a change? That's
2 them. That's who they are. That's what I thought about
3 that.

4 MS. MORENO: Did you ever ask them if they
5 wanted to change?

6 VENIRE PERSON: No.

7 MS. MORENO: And so you would go into a room and
8 cover the room and then you could wash their hair and cut
9 their hair?

10 VENIRE PERSON: Yes, it could only be you.
11 Nobody else watching or anything like that. If you need
12 an instructor or something like that, you had to ask them
13 first if the instructor could come in, but other than that
14 it was just you and them.

18:00 15 MS. MORENO: Did you ever talk about that
16 experience with your friends who didn't cover?

17 VENIRE PERSON: No.

18 MS. MORENO: So in sum, what did you think of
19 that? Do you still have Muslim clients?

20 VENIRE PERSON: No, not no more. It was just in
21 cosmetology school.

22 MS. MORENO: Just in school?

23 VENIRE PERSON: Yes.

24 MS. MORENO: Was that a good or bad experience?

25 VENIRE PERSON: Well, I thought it was good.

18:00 1 It's not like you are going up to someone and say why do
2 you cover yourself up, but they opened up and said, oh,
3 this why. I didn't really ever question it really.

4 MS. MORENO: So now when you see women who
5 cover, what do you think about that?

6 VENIRE PERSON: They have their own beliefs.
7 You do what you got to do. Nobody should really question
8 you why or anything like that.

9 THE COURT: Ms. Moreno, your time has expired.

10 MS. MORENO: Thank you, your Honor. Thank you
11 so much.

12 THE COURT: Counsel for the government have
13 questions for Ms. Munoz?

14 MR. JONAS: Yes, your Honor. Good afternoon.

18:00 15 My name is Barry Jonas. I'm one of the prosecutors in
16 this case. You said you live with your parents. Do both
17 of them work?

18 VENIRE PERSON: Yes, my mom works in a factory,
19 and my dad is a truck driver.

20 MR. JONAS: Who does your dad work for?

21 VENIRE PERSON: He has his own business.

22 MR. JONAS: Drives an eighteen-wheeler?

23 VENIRE PERSON: Yes.

24 MR. JONAS: Long distance?

25 VENIRE PERSON: No, he's local.

18:00 1 MR. JONAS: And your mom works for --
2 VENIRE PERSON: A company. It's a factory.
3 MR. JONAS: What do they make?
4 VENIRE PERSON: Things for your shower.
5 MR. JONAS: And you said you were going to start
6 looking for a job. What type of job?
7 VENIRE PERSON: Cosmetology.
8 MR. JONAS: Did you graduate?
9 VENIRE PERSON: Yes.
10 MR. JONAS: When was that?
11 VENIRE PERSON: Last year.
12 MR. JONAS: And since you have been graduated,
13 what have you been doing?
14 VENIRE PERSON: Just basically babysitting.
18:00 15 MR. JONAS: Any brothers or sisters?
16 VENIRE PERSON: Stepbrothers and sisters.
17 MR. JONAS: Do they live at home with you?
18 VENIRE PERSON: No.
19 MR. JONAS: You put down on your questionnaire
20 that you filled out that you speak Spanish.
21 VENIRE PERSON: Yes.
22 MR. JONAS: Fluent?
23 VENIRE PERSON: Yes.
24 MR. JONAS: What is spoken at home?
25 VENIRE PERSON: Both.

18:00 1 MR. JONAS: Very briefly, this case is about
2 an organization called the Holy Land Foundation that Ms.
3 Moreno told you about that is accused of providing money
4 or support to a terrorist organization known as HAMAS. I
5 think she asked you if you have heard of HAMAS.

6 VENIRE PERSON: No.

7 MR. JONAS: After you hear the evidence, the
8 Court will instruct the jury as to the law. We expect he
9 would say that HAMAS is an organization designated by the
10 United States Government as a terrorist organization and
11 any support to HAMAS, money or otherwise, is illegal, even
12 if that money is used for what most people consider to be
13 charitable stuff. Would you be able to accept that
14 charge?

18:00 15 VENIRE PERSON: Well --

16 MR. JONAS: Would you be able to listen to the
17 Judge and accept his instructions to you that if you found
18 the defendant gave money to HAMAS, even though it was used
19 for what you normally think of as good things, you could
20 still find them guilty?

21 VENIRE PERSON: No.

22 MR. JONAS: You cannot find them guilty for
23 giving good things to a terrorist organization?

24 VENIRE PERSON: Yes, I could.

25 MR. JONAS: Thank you.

18:00 1 THE COURT: Ms. Munoz, we're in the process of
2 talking to the members of the panel from whom the jury
3 that would hear this case will be drawn. Until you hear
4 from us you should not discuss the case with anyone or
5 allow anyone to discuss it with you, and if there are
6 media accounts on the television, in the newspapers or on
7 the radio, you should not listen to any such accounts.
8 Thank you, you may be excused.

9 Good afternoon, Mr. Taylor. Counsel for the
10 parties have some questions they would like to ask you.
11 Mr. Westfall.

12 MR. WESTFALL: Thank you, your Honor. Mr.
13 Taylor, I'm Greg Westfall. I'm one of the defense lawyers
14 in this case. I want to talk to you for a few minutes.
18:00 15 This case is United States Government versus the Holy Land
16 Foundation. It involves a Muslim charity, an American
17 Muslim charity who the United States Government is
18 alleging gave material support to HAMAS which is a
19 terrorist organization. What do you think?

20 VENIRE PERSON: That's tough there.

21 MR. WESTFALL: What's tough about it?

22 VENIRE PERSON: Finding that they got something
23 like that that's going on around here. I don't hear too
24 much about it, but the limited I do hear, I know it's
25 pretty serious.

18:00 1 MR. WESTFALL: This came out of Richardson. So
2 it's kind of in the area. But you had this look of
3 surprise on your face. Is that the first time you have
4 heard of it or first recognition?

5 VENIRE PERSON: First time I have been in
6 something like this. This is the first time I have been
7 selected. So it's all a surprise to me.

8 MR. WESTFALL: That's all I want to talk to you
9 about is your experiences. It's part of the process of
10 putting the jury together. Have you heard of the case?
11 Have you heard of the situation at all through the
12 newspapers or any media or talking or anything?

13 VENIRE PERSON: No, I haven't heard anything
14 about it.

18:00 15 MR. WESTFALL: We're talking about Muslim men
16 that are on trial for an offense that has in the name of
17 that offense terrorism, the material support of terrorism.
18 How do you feel about that? The possibility of being a
19 juror on something like that. What do you think?

20 VENIRE PERSON: Really, I don't have a whole lot
21 to say about it, but like I say, I'm new to this. I
22 haven't sit and listened to what's going on and how
23 different things occurred. So I really don't have a whole
24 lot of experience about how things are going on.

25 MR. WESTFALL: Have you ever heard of HAMAS?

18:00 1 VENIRE PERSON: I have heard it.

2 MR. WESTFALL: Tell me what you have heard.

3 VENIRE PERSON: Really nothing at all. I just

4 heard of it.

5 MR. WESTFALL: Have you followed the

6 Palestinians-Israeli conflict at all?

7 VENIRE PERSON: No, whatever it is, I hope it's

8 all right and everybody get together and talk and hope

9 everybody get to what you might want to call it an

10 agreement on something. Somebody here fighting on this

11 side and somebody disagreeing on the other side and maybe

12 everybody can get together and agree on the same thing.

13 MR. WESTFALL: You work with the independent

14 school district. How long have you worked them?

18:00 15 VENIRE PERSON: I have been there seven years.

16 MR. WESTFALL: What do you do in your off time?

17 VENIRE PERSON: Really relax. What we do is we

18 strip floors and furniture and stuff like that and my

19 working at a school that has three floors, we have a whole

20 lot to do.

21 MR. WESTFALL: You work at a high school?

22 VENIRE PERSON: E.P. Comstock on Jim Miller, and

23 it's a middle school.

24 MR. WESTFALL: You do that work mainly at night?

25 VENIRE PERSON: Yes, I work at night from 2:30

18:00 1 to 11:00. But now when the kids are out of school we work
2 through the summertime 7:30 to 4:30 or we may have
3 overtime where we work from six until we fall out.

4 MR. WESTFALL: Are you involved in the community
5 or in church?

6 VENIRE PERSON: (Shakes head)

7 MR. WESTFALL: So you kind of work and go home?

8 VENIRE PERSON: Yes, I go to work and go back to
9 the house.

10 MR. WESTFALL: You watch TV?

11 VENIRE PERSON: Every once in a while because
12 when I come in at night the TV is watching me.

13 MR. WESTFALL: You got those big brother TV's.
14 Sports?

18:00 15 VENIRE PERSON: Only sports is drag racing.

16 MR. WESTFALL: Do you go?

17 VENIRE PERSON: Sometimes but the time I have, I
18 try to sit around the house and enjoy my family. I'm an
19 only child, and I try to spend a lot of time with my
20 mother.

21 MR. WESTFALL: Do you think you could be fair in
22 a criminal case where people are accused of supporting a
23 terrorist organization?

24 VENIRE PERSON: Sure. But I would like to know
25 more what's going on behind the scenes.

18:00 1 MR. WESTFALL: And in four months I bet you can
2 learn a lot about what's going on behind the scenes.

3 Your job going to be okay?

4 VENIRE PERSON: I don't know. I have to talk to
5 them about it. School is out, and we're getting ready to
6 start cleaning our building. We haven't started because
7 they are remodeling and putting sprinklers in and doing
8 the roof and stuff like that so most of my time won't be
9 there.

10 MR. WESTFALL: Well, if you are in a position
11 where you are going to lose your job and it's to the
12 extent that you can't pay attention in here, that's
13 something the Court needs to know about pretty quickly.
14 Okay?

18:00 15 VENIRE PERSON: Okay.

16 MR. WESTFALL: This trial can go four months,
17 possibly shorter, possibly longer. But Monday through
18 Thursday business hours. So we'll be knocking off about
19 five, about quitting time, and if that gets in the way of
20 your job where you are going to lose your job or affect
21 you financially, please let the jury clerk know.

22 VENIRE PERSON: Believe me, I will.

23 MR. WESTFALL: Do you have any other issues I
24 haven't asked you about?

25 VENIRE PERSON: No. Just want to get interested

18:00 1 and find out what's going on and how things go.

2 MR. WESTFALL: Thank you for your patience. I
3 know you have been waiting around all day.

4 VENIRE PERSON: I have been here since eight
5 this morning.

6 THE COURT: Counsel for the government have
7 questions of Mr. Taylor?

8 MR. JACKS: Yes, sir.

9 Mr. Taylor, my name is Jim Jacks. I'm an
10 Assistant United States Attorney here in Dallas. I'm one
11 of the prosecutors on this case. I'll be representing the
12 government during this trial, and I just have a few
13 follow-up questions for you, if you don't mind. How long
14 have you worked for DISD?

18:00 15 VENIRE PERSON: Seven years.

16 MR. JACKS: What kind of work did you do before
17 that?

18 VENIRE PERSON: I was a truck driver before I
19 went to DISD.

20 MR. JACKS: Who did you work for?

21 VENIRE PERSON: Premium Laundry.

22 MR. JACKS: Was that locally here in the Dallas
23 area that you drove?

24 VENIRE PERSON: No. I was here and driving from
25 Sherman to Durant, Oklahoma.

18:00 1 MR. JACKS: And what would you be hauling?
2 VENIRE PERSON: Linen.
3 MR. JACKS: How long did you work at that job?
4 VENIRE PERSON: Eight years.
5 MR. JACKS: What led you to change from being a
6 truck driver to going to the school?
7 VENIRE PERSON: I was there eight years, and I
8 didn't get a vacation, and I kept going, and then I had an
9 accident, and I told them I was through.
10 MR. JACKS: Was there a time-off period or did
11 you pretty quickly get a job with the school district?
12 VENIRE PERSON: I was off maybe a month, maybe
13 two.
14 MR. JACKS: Were there any legal proceedings
18:00 15 that resulted from that accident?
16 VENIRE PERSON: No, I haven't heard anything
17 else about it.
18 MR. JACKS: All right. Have you always worked
19 as a custodian for the Dallas Independent School District?
20 VENIRE PERSON: Yes.
21 MR. JACKS: You have two children. Daughter and
22 a son?
23 VENIRE PERSON: Yes.
24 MR. JACKS: Do they live with you or with your
25 ex-wife?

18:00 1 VENIRE PERSON: They stay with their mother. I
2 have never been married.

3 MR. JACKS: Are they still in that home with her
4 or moved out of the house?

5 VENIRE PERSON: From what I know, they are still
6 at home with her. They stay in Texas City.

7 MR. JACKS: Okay. Is Dallas your home? Is that
8 where you were born and raised?

9 VENIRE PERSON: Yes.

10 MR. JACKS: I've got the questionnaire that you
11 filled out two or three weeks ago. I just want to ask you
12 a couple of follow-up questions. One of the questions
13 was -- says some of the defendants are citizens of the
14 United States and some are not. The question was would
18:00 15 you afford each of the defendants the same consideration
16 in evaluating the evidence, and you answered no. Can you
17 explain your concern about that?

18 VENIRE PERSON: I don't know because I probably
19 just really didn't understand it fully.

20 MR. JACKS: So what is your opinion about
21 affording the same rights for citizens and noncitizens?
22 Should that be the case or different for noncitizens?

23 VENIRE PERSON: Probably should be different.

24 MR. JACKS: In what way?

25 VENIRE PERSON: I really couldn't say.

18:00 1 MR. JACKS: There was another question I wanted
2 to ask you about. It says the Court will instruct you
3 that the testimony of a law enforcement officer is
4 entitled to no greater weight or lesser weight than that
5 of any other witness, and the question was do you have any
6 difficulty accepting that statement, and your answer was
7 no. So you believe that a law enforcement officer's
8 testimony is entitled to the same weight as any other
9 person?

10 VENIRE PERSON: They should if he's involved.

11 MR. JACKS: And have you had any family member
12 or close personal friend or yourself had any contact with
13 law enforcement?

14 VENIRE PERSON: I have two cousins behind bars.

18:00 15 MR. JACKS: What are they in jail for?

16 VENIRE PERSON: Both of them for murder, I
17 think.

18 MR. JACKS: And are they in prison right now?

19 VENIRE PERSON: Yes.

20 MR. JACKS: When were they sent to prison?

21 VENIRE PERSON: That's a good question. I don't
22 remember that one. It's been a while. I would say
23 probably back in the nineties. Late nineties.

24 MR. JACKS: Were you friends with them?

25 VENIRE PERSON: They were my cousins.

18:00 1 MR. JACKS: Yes, were you friends with them
2 during the time before they went to prison?

3 VENIRE PERSON: I wouldn't say we were close,
4 but we communicated.

5 MR. JACKS: Did they have a trial before they
6 were convicted?

7 VENIRE PERSON: I think they did, but I didn't
8 attend.

9 MR. JACKS: From what you have heard and the
10 information you have received about it, do you believe
11 they were treated fairly by the criminal justice system?

12 VENIRE PERSON: I put it like this. If you do
13 wrong, you suffer the consequences.

14 MR. JACKS: Just to talk to you about the
18:00 15 charges in this case, the charges have been basically
16 summarized as this Holy Land Foundation and the men
17 working for it supplied material support, which can be a
18 lot of things, but the indictment in this case says they
19 supplied money to this terrorist organization HAMAS. At
20 the end of the case, the Judge will tell the jury what law
21 should be applied, and I expect he would tell the jury
22 that HAMAS has been designated as a terrorist organization
23 by the U.S. Government. I also expect that he would tell
24 the jury that it's illegal to give anything to HAMAS, even
25 if it's in the nature of charitable items like food and

18:00 1 clothing and medical supplies. Could you follow that law
2 or could you accept that instruction and that law and
3 return a verdict of guilty even if you believe that what
4 they sent or purchased with that money was humanitarian or
5 charitable items?

6 VENIRE PERSON: Yes, I can do that.

7 MR. JACKS: So even the fact that whatever that
8 money was used for may have been for something that would
9 otherwise be good, if the judge told you that would still
10 be against the law, you could return a verdict of guilty
11 if that was what the evidence showed had been done?

12 VENIRE PERSON: If that's what the evidence
13 show, yes.

14 MR. JACKS: Thank you.

18:00 15 THE COURT: Mr. Taylor, we are in the process of
16 talking with the members of the panel from which the jury
17 will be drawn that would hear this case. I expect that
18 process will go on through today and into tomorrow. Until
19 you hear from us further, you should not discuss this case
20 with anyone or allow anyone to discuss it with you. And
21 if there are any media accounts about the case in the
22 newspapers or on television or the radio, you should not
23 read or watch or listen to any such media accounts.

24 VENIRE PERSON: Okay. I don't watch much news
25 any way, but the little bitty I do watch.

18:00 1 THE COURT: Thank you, sir. You may be excused.
2 Good afternoon, Ms. Fletcher. Counsel for the
3 parties have some questions they would like to ask you.
4 MS. MORENO: Thank you, your Honor. I see from
5 your questionnaire you are an attorney.
6 VENIRE PERSON: I went to law school.
7 MS. MORENO: Did you take the bar after that?
8 VENIRE PERSON: I have taken it once, and I
9 passed.
10 MS. MORENO: And you have an MBA?
11 VENIRE PERSON: Yes.
12 MS. MORENO: And what do you do now?
13 VENIRE PERSON: I work for Fannie Mae, mortgage
14 banker.
18:00 15 MS. MORENO: Do you have any intentions of
16 taking the bar again?
17 VENIRE PERSON: Yes.
18 MS. MORENO: Want to practice law?
19 VENIRE PERSON: Eventually.
20 MS. MORENO: I would like to ask you some
21 questions about your answers to the questionnaire. One of
22 the questions in the questionnaire was the right to
23 silence, and that is if someone did not take the stand to
24 testify would you hold it against them, and I think you
25 said did you not know. What did you mean by that?

18:00 1 VENIRE PERSON: I meant that I know it's not the
2 right thing to do, but depending on what's going on, I
3 wouldn't necessarily not do that.

4 MS. MORENO: I'm not clear. What do you mean?

5 VENIRE PERSON: I understand the person has the
6 right not to take the stand but being human --

7 MS. MORENO: Would you hold it against them?

8 VENIRE PERSON: I don't know if I would.

9 MS. MORENO: Why is that?

10 VENIRE PERSON: I think the human element.
11 Depending on what's going on. You get emotionally
12 involved in things, and sometimes you might do that. I
13 can't say I definitely would not.

14 MS. MORENO: Is that because you might want to
18:00 15 hear their side of the story?

16 VENIRE PERSON: Possibly.

17 MS. MORENO: This is a case involving the Holy
18 Land charity. Have you heard about this case in the news
19 recently?

20 VENIRE PERSON: Not very much, no. I haven't
21 time to watch the news much lately.

22 MS. MORENO: Have you been busy?

23 VENIRE PERSON: Very.

24 MS. MORENO: Doing what?

25 VENIRE PERSON: Family, work, church.

18:00 1 MS. MORENO: Anything you heard about the Holy
2 Land Foundation? Do you remember any of the details?

3 VENIRE PERSON: Not really.

4 MS. MORENO: Are you aware this is a case that
5 involves charges of terrorism?

6 VENIRE PERSON: That's what I do know.

7 MS. MORENO: And how do you know that?

8 VENIRE PERSON: From what I have heard.

9 MS. MORENO: And what is that?

10 VENIRE PERSON: People talking to me.

11 MS. MORENO: So you have heard a little bit
12 about the case?

13 VENIRE PERSON: Yes.

14 MS. MORENO: From family members or friends?

18:00 15 VENIRE PERSON: Both.

16 MS. MORENO: What have you heard in those
17 conversations?

18 VENIRE PERSON: Just allegations of terrorist
19 activities. I don't know any details as far as names or
20 anything like that. I haven't been involved in very
21 detailed conversations other than hearsay, tidbits.

22 MS. MORENO: What do you think about those kinds
23 of charges?

24 VENIRE PERSON: They are very serious.

25 MS. MORENO: And how do you feel about being

18:00 1 perhaps selected as a juror in a case like this?

2 VENIRE PERSON: It's a very important trial, and
3 I would take that very seriously.

4 MS. MORENO: Do you have any concerns or
5 apprehensions about serving as a juror in a case like
6 this?

7 VENIRE PERSON: Yes.

8 MS. MORENO: That's what we're here to find out
9 from everyone that we're talking to today. So there is no
10 right or wrong answers. We want your honest heartfelt
11 opinions because these gentlemen deserve a fair trial by a
12 jury that can fairly judge the evidence. So why don't you
13 tell me about those concerns.

14 VENIRE PERSON: I think part of it is just given
18:00 15 everything that has occurred since 9-11. I have my own
16 personal opinions about this country, where you live. So
17 I take it seriously when there are allegations such as
18 terrorism, and I think you feel -- I think it goes back to
19 the original question you asked me, you know, somebody not
20 wanting to take the stand. I think in this type of
21 situation, you want to hear all the facts. I would want
22 to hear all the facts and know what's going on, and given
23 the seriousness of the charges, I just think personally it
24 would possibly bother me if that were to happen. But I
25 think it's really the emotional casualties of the country

18:00 1 in which you live. You get involved.

2 MS. MORENO: In a case like this with these
3 kinds of charges, it would be very important to have
4 jurors who were not affected, were not affected by
5 personal concerns or apprehensions about looking at a case
6 that had charges of terrorism. My question to you is --
7 Let's go back to the right to silence issue. If these
8 gentlemen did not take the stand, would you hold that
9 against them?

10 VENIRE PERSON: Probably.

11 MS. MORENO: I really thank you for your candor
12 because it's so important here. And if they did not take
13 the stand, you would probably sit there and think what?
14 What would you wonder?

18:00 15 VENIRE PERSON: Are they guilty?

16 MS. MORENO: And if they didn't take the stand,
17 would you think to yourself that they are probably more
18 guilty than not because they are not talking?

19 VENIRE PERSON: Probably.

20 MS. MORENO: And so you could not honestly
21 afford these gentlemen that Constitutional protection
22 under the Fifth Amendment; is that correct?

23 VENIRE PERSON: I don't think I could.

24 MS. MORENO: And nobody is really going to
25 change your mind about that. Isn't that right?

18:00 1 VENIRE PERSON: At this point.

2 MS. MORENO: You are a lady of strong opinions I

3 think.

4 VENIRE PERSON: I don't think so at this point.

5 MS. MORENO: Fair enough. Pass the juror.

6 Thank you.

7 THE COURT: Counsel for the government have

8 questions for Ms. Fletcher?

9 MS. SHAPIRO: Yes, sir. Good afternoon. My

10 name is Elizabeth Shapiro. I'm one of the prosecutors

11 representing the government in this case. We just have a

12 few additional questions to ask you today. You indicated

13 in your questionnaire that you are married.

14 VENIRE PERSON: Yes.

18:00 15 MS. SHAPIRO: What does your husband do for a

16 living?

17 VENIRE PERSON: He's in gas. He works as a

18 manager.

19 MS. SHAPIRO: With a company?

20 VENIRE PERSON: A gas company.

21 MS. SHAPIRO: Has he worked there a long time?

22 VENIRE PERSON: About six or seven years, yes.

23 MS. SHAPIRO: And before that, did he have a

24 different kind of job?

25 VENIRE PERSON: Similar.

18:00 1 MS. SHAPIRO: And you have two children at home
2 it sounds like?

3 VENIRE PERSON: Yes.

4 MS. SHAPIRO: It looks like both you and your
5 husband work outside the home. Do you have child care?

6 VENIRE PERSON: Yes.

7 MS. MORENO: If you were to serve on a jury for
8 a length of time that we're talking about, would that be
9 an issue for you?

10 VENIRE PERSON: Yes, I do have child care, but
11 there is a portion of that responsibility that falls on
12 me. So it would be somewhat difficult.

13 MS. SHAPIRO: Do you think if you were selected
14 for this jury that you might be able to find substitute
18:00 15 arrangements?

16 VENIRE PERSON: Given the estimation of the
17 length of the trial it could be difficult.

18 MS. SHAPIRO: It looks like you spent some time
19 abroad.

20 VENIRE PERSON: Traveling.

21 MS. SHAPIRO: You went to Spain and France.
22 Were those holidays, vacation?

23 VENIRE PERSON: Vacation.

24 MS. SHAPIRO: Did you enjoy that?

25 VENIRE PERSON: Yes.

18:00 1 MS. SHAPIRO: Europe. Ms. Moreno asked you
2 about the right to silence, and you had a conversation
3 with her about that. If the Judge were to instruct you
4 that under the Constitution these gentlemen have a right
5 not to testify in this case and that you could not under
6 the law hold that against them, if he were to instruct you
7 in that way, would you be able to follow that instruction?

8 VENIRE PERSON: I don't know. I'm just being
9 honest. I think there is a human element. Given what you
10 have heard and seen during a trial, I think there are
11 times when it's difficult.

12 MS. SHAPIRO: So do you think that despite what
13 the Court may tell you is the law and the defendant's
14 rights are under the Constitution -- do you think you
18:00 15 would not be able to follow that instruction? And
16 understand there are no right or wrong answers. Whatever
17 you honestly feel.

18 VENIRE PERSON: I honestly believe I wouldn't,
19 and I believe there are times when it happens in other
20 places.

21 MS. SHAPIRO: Thank you.

22 THE COURT: Ms. Fletcher, we're in the process
23 of talking with the members of the panel from which the
24 jury will be selected that would hear this case. That
25 process will probably go on through today and into

18:00 1 tomorrow. So until you hear from us again, you should not
2 discuss this case with anyone or allow anyone to discuss
3 it with you, and if there are any media accounts about the
4 case in the newspapers or on television or on the radio,
5 you should not read or watch or listen to any of those
6 news accounts. Thank you, ma'am, you may excused.

7 MS. MORENO: Your Honor, on behalf of the
8 defense we move for a cause strike against Ms. Fletcher.
9 She could not afford these gentlemen their Fifth Amendment
10 Constitutional protection and even questioning she could
11 not be rehabilitated. She was clear and unequivocal, and
12 as an attorney, someone who went to law school, she knows
13 exactly what those protections are.

14 THE COURT: Counsel for the government have a
18:00 15 position about this?

16 MS. SHAPIRO: No objection, your Honor.

17 THE COURT: I will excuse Ms. Fletcher for
18 cause.

19 Mr. Kiblinger, I think we're ready to see next
20 Mr. Odell.

21 THE COURT: Good afternoon. Counsel for the
22 parties have some questions for you in this case.

23 MR. WESTFALL: I'm Greg Westfall, and I'm one of
24 defense attorneys in this case, and thank you for your
25 patience in waiting around all day. This case, as you

18:00 1 probably know, is the United States versus Holy Land
2 Foundation, and the Holy Land Foundation is accused of
3 giving material support to HAMAS. It sounds like you may
4 have been to the Holy Land Foundation's offices.

5 VENIRE PERSON: I can't remember if I made a
6 visit there or not, but I was involved in discussions
7 because we were working with the accountant and all the
8 activity.

9 MR. WESTFALL: Do you remember who your point of
10 contact was there?

11 VENIRE PERSON: No, I do not.

12 MR. WESTFALL: But you had a person within the
13 Foundation you were speaking for?

14 VENIRE PERSON: No, I was speaking with UPS.

18:00 15 MR. WESTFALL: I had it in my mind that you were
16 driving a truck. Were you actually at like the home base?

17 VENIRE PERSON: Well, I work in a solutions
18 group with technology, and I support the sales force and
19 customers. So solutions is kind of consulting.

20 MR. WESTFALL: Well then all right. You know I
21 go through two days seeing you in a brown outfit and going
22 into a store.

23 VENIRE PERSON: That's what most people think of
24 UPS, seeing the drivers.

25 MR. WESTFALL: Did you actually ever speak with

18:00 1 anyone from the Holy Land Foundation?

2 VENIRE PERSON: I don't believe so.

3 MR. WESTFALL: Just UPS people?

4 VENIRE PERSON: Yes.

5 MR. WESTFALL: I know you heard a lot about it
6 and you were sensitive to the Holy Land Foundation name.
7 So I know you may have seen things in the newspapers that
8 other people may have missed. How much have you heard or
9 read or been exposed?

10 VENIRE PERSON: Not a lot. It would peak your
11 interest a little bit if you saw a blurb on the
12 newspapers. Hey, I remember that happening or I know that
13 account.

14 MR. WESTFALL: Well, based on anything you have
18:00 15 heard or read or thought about since then, have you formed
16 any opinions as to the guilt or innocence of the Holy Land
17 Foundation or the gentlemen who were in it?

18 VENIRE PERSON: No, it's just interesting,
19 something that I knew kind of a little something of.

20 MR. WESTFALL: How do you feel about being a
21 juror on a case that has anything to do with terrorism,
22 material support of terrorism?

23 VENIRE PERSON: Not quite sure how to answer
24 that. I can't say I'm real excited about it. I'm glad
25 for the trial system.

18:00 1 MR. WESTFALL: Is there another case that you
2 would be, like, real excited about?

3 VENIRE PERSON: Well, I just don't think I would
4 get real excited about anything that was indicated to be a
5 four-month-long ordeal. You know the nature of the trial
6 you think of safety or security or things going on.

7 MR. WESTFALL: Are you worried about your safety
8 or security as a result of being on the jury?

9 VENIRE PERSON: I would think my family more so
10 than myself.

11 MR. WESTFALL: Tell me about that. It sounds
12 like you have given it some thought. Are you worried
13 about your family's safety if you are on the jury?

14 VENIRE PERSON: Not really but it has crossed my
18:00 15 mind. What if.

16 MR. WESTFALL: Well, if you are worried at all
17 about your family's safety, it's a pretty significant
18 thing.

19 VENIRE PERSON: Obviously my safety is well, but
20 to me that's not as big a concern as, like I say, my
21 family.

22 MR. WESTFALL: Well, the issue of your safety
23 and your family's safety, this trial could go four months.
24 Do you see worrying about that like the whole time we're
25 in trial?

18:00 1 VENIRE PERSON: I think it would always be in
2 the back of your mind, sure.

3 MR. WESTFALL: While we're in trial, what the
4 jury is supposed to be considering is the evidence. This
5 is the way the American criminal justice system works.
6 Jurors ideally don't know anything about the case so that
7 they can make a decision based only on the evidence in
8 here. And a car theft case is -- You wouldn't be looking
9 two ways to get home if you are in a car theft case or a
10 drug case or something like that. But this case involves
11 terrorism. The issue is whether you could give fair and
12 impartial consideration to the evidence, and what that
13 means is whether you could make your decision based only
14 on the evidence or if issues of personal safety and such
18:00 15 would be on your mind to the point where it would either
16 distract you or inform your decision in any way.

17 VENIRE PERSON: Right. I don't think it would
18 cause problems looking at the evidence in the case. It's
19 just a concern.

20 MR. WESTFALL: Well, then I am going to move
21 past that. Do you know any Muslims?

22 VENIRE PERSON: Not really. Not like friends or
23 people that I really would hang out with. Obviously in
24 just the line of work I do I make lots of visits and see a
25 lot of different customers.

18:00 1 MR. WESTFALL: Do you have opinions about Arabs
2 or Muslims?

3 VENIRE PERSON: Well, I don't have opinions. I
4 try to be pretty open, but the thought is since 9-11 you
5 think about it a little more than in the past.

6 MR. WESTFALL: Do you find yourself suspicious
7 of Arabs? If there was two guys on the street speaking
8 Arabic, what would your reaction about?

9 VENIRE PERSON: Not a lot of reaction but I
10 might wonder a little bit about, hey, are those guys
11 involved in something?

12 MR. WESTFALL: Have you looked into the
13 Palestinian-Israeli conflict at all?

14 VENIRE PERSON: It's not something I followed.
18:00 15 It's not something I perk up and pay extreme attention to.

16 MR. WESTFALL: Have you ever formed any
17 conclusions as to who's right and who's wrong?

18 VENIRE PERSON: No.

19 MR. WESTFALL: I'm about to have to sit down. I
20 want you to think about this. We have talked about
21 Muslims, and we have discussed some things. We're talking
22 about the presumption of innocence, whether the men can be
23 presumed innocent beyond a reasonable doubt until proven
24 guilty by the government. Can you give these Muslim men a
25 full presumption of innocence?

18:00 1 VENIRE PERSON: I don't believe so.

2 MR. WESTFALL: Thank you.

3 THE COURT: Counsel for the government have

4 questions for Mr. Odell?

5 MR. JONAS: Yes. Good afternoon, Mr. Odell. My

6 name is Barry Jonas. I'm a prosecutor for the government,

7 and I have a few questions for you. How long have you

8 worked for UPS?

9 VENIRE PERSON: Twenty-two years.

10 MR. JONAS: Do you enjoy it?

11 VENIRE PERSON: Yes.

12 MR. JONAS: If you were selected to serve on the

13 trial, it could last four months or longer. Would you

14 have a problem at work? I understand everybody would have

18:00 15 a problem. But would you be fired?

16 VENIRE PERSON: No, I wouldn't get fired, but

17 there might be a different position when I returned. But

18 I'm in something I enjoy doing, and I worked a long time

19 to get to this position.

20 MR. JONAS: Would those concerns weigh on your

21 mind during the trial?

22 VENIRE PERSON: I wouldn't think so.

23 MR. JONAS: So it wouldn't affect your ability

24 to be fair or impartial?

25 VENIRE PERSON: No, sir.

18:00 1 MR. JONAS: You stated you did not deal with the
2 Holy Land Foundation directly but you know other people at
3 UPS who did?

4 VENIRE PERSON: Right. People who did and even
5 had discussions about potentially going to make a visit
6 but had not done so.

7 MR. JONAS: And in your discussions with your
8 fellow employees, what did they say about the Holy Land
9 Foundation?

10 VENIRE PERSON: Well, like I say, it was a long
11 time ago. Nothing in particular. It was more business
12 matters. They were looking to do some things with
13 international shipping and that sort of thing.

14 MR. JONAS: Do you recall filling out the
18:00 15 questionnaire a few weeks ago?

16 VENIRE PERSON: Yes.

17 MR. JONAS: And I have to ask you a sensitive
18 question, and I apologize for that, but it's something we
19 need to know. You put down that you had a medical
20 condition that could make it difficult for you to serve as
21 a juror. I understand it may be embarrassing, and if you
22 prefer a sidebar. But can you tell us something about the
23 condition and how it can be regulated?

24 VENIRE PERSON: My only concern was really
25 sitting for hours or long periods of time without just a

18:00 1 break for a restroom and that sort of thing.

2 THE COURT: Mr. Odell, typically we go about an
3 hour and a half at a time before a break. Would that be
4 suitable?

5 VENIRE PERSON: Most times yes, but morning is
6 when it's more troublesome or a problem.

7 MR. JONAS: Thank you very much, Mr. Odell.

8 THE COURT: Mr. Odell, we are in the process of
9 interviewing the members of the panel from which the jury
10 will be drawn that would hear this case. I expect this
11 process to continue through today and into tomorrow. So
12 until you hear from us again, you should not discuss this
13 case with anyone or allow anyone to discuss it with you,
14 and if there are any media accounts about this case in the
18:00 15 newspapers or on television or the radio, you should not
16 read or watch or listen to any of those news accounts.

17 Thank you, sir. You may be excused.

18 We'll take a fifteen-minute recess at this time.

19 (Recess)

20 THE COURT: Good afternoon. Counsel for the
21 parties have some questions for you.

22 MS. MORENO: Good afternoon, Mr. Carrillo. My
23 name is Linda Moreno, and I have just a few questions for
24 you. Remember filling out the questionnaire? I have some
25 questions about your answers. One of the things you

18:00 1 indicated was perhaps a hearing problem, and I see that
2 you are leaning forward. Tell us about that problem.

3 VENIRE PERSON: The hearing problem? A little
4 bit. I work around loud machines and stuff, and so I tend
5 to say what, repeat that again.

6 MS. MORENO: Do you have any hearing devices
7 that you use?

8 VENIRE PERSON: No.

9 MS. MORENO: Would you say it's difficult for
10 you to hear?

11 VENIRE PERSON: No. Just a certain pitch.

12 MS. MORENO: We're going to be in trial for
13 three to four months, and as you can see, this is a big
14 courtroom, and it doesn't have the best acoustics. So we
18:00 15 need to know if your hearing is going to be a problem.

16 VENIRE PERSON: I don't see a problem.

17 MS. MORENO: I mentioned it was going to be a
18 long trial, and I'm wondering if that causes you any
19 difficulty at your job, poses any kind of hardship for
20 you.

21 VENIRE PERSON: I'm getting paid at work.

22 MS. MORENO: Tell me about your job.

23 VENIRE PERSON: I'm a printer. Been there
24 twenty-three years. I'm happy with my job. I like it.

25 MS. MORENO: Good. What kind of things do you

18:00 1 do?

2 VENIRE PERSON: We print checks, brochures,
3 forms, basically everything.

4 MS. MORENO: There was also a question about any
5 medical conditions, and apparently you crossed it out. Do
6 you have any other medical concerns that we should know
7 about?

8 VENIRE PERSON: No, just had a physical not to
9 long ago, and I was fine.

10 MS. MORENO: Congratulations.

11 VENIRE PERSON: Thank you.

12 MS. MORENO: I want to tell you a little bit
13 about the charges in this case so that we can explore if
14 you have any issues. I want you to know there is no right
18:00 15 answer or wrong answer.

16 VENIRE PERSON: Okay.

17 MS. MORENO: Just looking for your honest
18 opinions. This is a case that involves the Holy Land
19 Foundation which is an American Muslim charity. Have you
20 heard about that?

21 VENIRE PERSON: When I filled out the question,
22 I did. I did remember, and then on the drive home I
23 started remembering something about it on the news. I
24 caught it on the news, but it's within a while.

25 MS. MORENO: A couple of years back?

18:00 1 VENIRE PERSON: Like I say, when I first filled
2 out the questionnaire, I didn't remember, but thinking
3 about it on the way home I remember hearing about it. I
4 think it was in Plano or Richardson.

5 MS. MORENO: Yes, that's right. These are
6 serious allegations. They are just allegations, but they
7 are serious, and the government claims that the Holy Land
8 charity sent humanitarian aid and that the humanitarian
9 aid was in the form of food and medicine, books, diapers
10 for babies, money for needy families to help the poorest
11 of the poor in West Bank and Gaza and the Occupied
12 Territories. Okay?

13 VENIRE PERSON: Okay.

14 MS. MORENO: They say this humanitarian aid
18:00 15 somehow benefited this terrorist organization called
16 HAMAS. Have you heard of that?

17 VENIRE PERSON: Yes.

18 MS. MORENO: How have you heard of that?

19 VENIRE PERSON: That it was an organization and
20 they are in the Middle East or something like that.

21 MS. MORENO: Have you followed the conflict over
22 there at all?

23 VENIRE PERSON: Yes, but not really. I don't
24 pay too much attention to it.

25 MS. MORENO: Have you watched news reports about

18:00 1 what's going on in the Occupied Territories?

2 VENIRE PERSON: I try not to. It's depressing,
3 the bad news that comes on the news and stuff like that.

4 MS. MORENO: In this case because of the serious
5 allegations, we need to know if you've got any -- I'll
6 call it baggage. You know what, this is a case that
7 involves terrorism charges, and I don't want anything to
8 do with that. I'm not the kind of juror that could be
9 fair in this case. And what we all want to know -- and
10 that's why we're questioning all of these people today --
11 is if you fit in that category, if you have some issues
12 that would prevent you from being fair and impartial.

13 VENIRE PERSON: To be impartial? If I am picked
14 for this and I got to hear the evidence and you know -- I
18:00 15 got to hear what's going on and stuff before I make a
16 decision on that.

17 MS. MORENO: Is there anything about the nature
18 of the charges -- terrorism, material support of a
19 terrorist organization -- that brings things up for you,
20 causes you any apprehension?

21 VENIRE PERSON: Repeat that again.

22 MS. MORENO: Did you not hear me?

23 VENIRE PERSON: No.

24 MS. MORENO: Is there anything about the nature
25 of the charges, material support of terrorism, that brings

18:00 1 up any issues for you? That's what we're trying to
2 explore here. What do you think of those kinds of
3 charges?

4 VENIRE PERSON: Well, I'm against terrorism, you
5 know. And if the evidence points to anything to do with
6 the terrorism, then you know, you know, it's going to be
7 hard for me not to find them guilty or you know --

8 MS. MORENO: What if the government does not
9 prove its case in this kind of a serious trial?

10 VENIRE PERSON: Okay.

11 MS. MORENO: If they don't prove their case.
12 Let's say they showed that the humanitarian aid only went
13 to the needy. Okay?

14 VENIRE PERSON: Okay.

18:00 15 MS. MORENO: And did not benefit any terrorist
16 organization?

17 VENIRE PERSON: All right.

18 MS. MORENO: And the Judge instructs you if
19 that's what you found that you would have to accept that,
20 that does not prove their charge. Okay?

21 VENIRE PERSON: Okay.

22 MS. MORENO: Do you have any problems?

23 VENIRE PERSON: Well, if the government proves
24 that they were -- like the HAMAS -- I heard it's a
25 terrorist organization, they got ties to it. And I

18:00 1 believe if you aid a terrorist group in any form -- If you
2 are associated with them, you know, that's the same as
3 giving them the money to do something, something bad.

4 THE COURT: Ms. Moreno, your time has expired.

5 MS. MORENO: Thank you. Thank you, sir.

6 THE COURT: Counsel for the government have
7 questions for Mr. Carrillo.

8 MR. GARRETT: No, your Honor.

9 THE COURT: Mr. Carrillo, we're in the process
10 of talking with the members of the panel from whom the
11 jury will be selected to hear this case. That process
12 will probably go on into today and through tomorrow. So
13 until you hear from us again, you should not discuss this
14 case with anyone or allow anyone to discuss it with you,
18:00 15 and if there are any media accounts about the case in the
16 newspapers or on television or the radio, you should not
17 read or watch or listen to any of those media accounts.

18 VENIRE PERSON: Yes, sir.

19 MR. JACKS: Your Honor, I would like to request
20 if Ms. Moreno when she discusses the allegations in the
21 charges -- if she could simply refer to what's in the
22 indictment. The indictment only alleges that they sent
23 money. There is nothing in the indictment about they sent
24 humanitarian aid or the poorest of the poor or any of
25 those descriptive terms that she's using. So if she is

18:00 1 going to talk about the allegations, I would ask that she
2 talk about the allegations as they are stated in the
3 indictment.

4 THE COURT: Well, I can only reiterate what I
5 said earlier in some of our discussions, Mr. Jacks.
6 Counsel I think are much more familiar with the evidence
7 in this case than I am at this point. And so whether the
8 evidence will be as Ms. Moreno stated it, I don't know. I
9 know that in your questioning of these venire members and
10 that of other counsel for the government, you have
11 referred to what you expect I will instruct the jury, and
12 I guess I deduced from that there would be evidence to
13 support such an instruction. So it seems to me that Ms.
14 Moreno was trying to get at the same thing albeit in a
18:00 15 slightly different way. So I just admonish counsel for
16 all sides again to keep these questions based upon what
17 you believe the evidence in this case will be. More than
18 that I cannot say.

19 Good afternoon, Ms. Buonasera. Counsel for the
20 parties have some questions they would like to ask you.

21 MS. MORENO: Good afternoon. Is Buonasera
22 Italian?

23 VENIRE PERSON: Italian.

24 MS. MORENO: My name is Linda Moreno. I'm one
25 of the attorneys on this case. I want to ask you a couple

18:00 1 of questions about the answers on your questionnaire.
2 This is a case that involves the Holy Land Foundation
3 which is an American Muslim charity. I see that you have
4 lived in Richardson your whole life.

5 VENIRE PERSON: No. For the past eight years.
6 I grew up in Plano.

7 MS. MORENO: Okay. Have you heard about the
8 Holy Land Foundation in the press recently or in the last
9 few years?

10 VENIRE PERSON: Just recently. Because of all
11 the paperwork we filled out.

12 MS. MORENO: The questionnaire?

13 VENIRE PERSON: The questionnaire, yes.

14 MS. MORENO: Before you filled out the
18:00 15 questionnaire, do you recall ever hearing about this
16 charity?

17 VENIRE PERSON: No.

18 MS. MORENO: And after you filled out the
19 questionnaire before you came to court today, did you hear
20 or read anything about it in the press?

21 VENIRE PERSON: I heard about it, but I didn't
22 read anything really.

23 MS. MORENO: What did you hear?

24 VENIRE PERSON: That this trial was based on
25 that foundation and that it was going to be a trial that

18:00 1 was going to determine where exactly their money was
2 going, I guess.

3 MS. MORENO: This is a case that involves
4 allegations of terrorism. The government alleges that
5 this charity sent humanitarian aid to the West Bank
6 territories -- Gaza, West Bank and other places around the
7 world and that aid was in the form of medicine, food,
8 books, the rebuilding of homes which were destroyed, that
9 sort of humanitarian aid. The government further alleges
10 that aid somehow benefited this terrorist organization
11 called HAMAS. Okay? Have you heard of HAMAS?

12 VENIRE PERSON: No.

13 MS. MORENO: Now that I have just given you a
14 little brief summary of the charges and the charges are
18:00 15 material support of a terrorist organization, is there
16 anything about that that causes you any concern? What are
17 your thoughts about that?

18 VENIRE PERSON: I don't know. Like what?

19 MS. MORENO: Do you have any opinions already
20 thinking, oh, this is a case that involves charges of
21 terrorism, I don't think I want to be here?

22 VENIRE PERSON: Well, yes, I guess so.

23 MS. MORENO: First, let me tell you there is no
24 right answer or wrong answer. We're here and everybody
25 wants to pick a jury that can fairly evaluate the

18:00 1 evidence.

2 VENIRE PERSON: Right.

3 MS. MORENO: A juror who doesn't have a lot of
4 baggage and fear and preconceptions.

5 VENIRE PERSON: Yes.

6 MS. MORENO: What we need to hear are your
7 heartfelt opinions?

8 VENIRE PERSON: Okay.

9 MS. MORENO: So talk to me about your heartfelt
10 opinions.

11 VENIRE PERSON: I don't know much about the
12 case, and I don't know that much about the allegations.
13 So I don't feel like I have that much of an opinion.
14 Obviously, I have a strong opinion about terrorism, but
18:00 15 that doesn't necessarily mean that it relates here, I
16 guess. I don't know.

17 MS. MORENO: So as you sit there, you don't
18 think "I'm afraid, I don't want to be on this jury or I
19 have some kind of a concern or apprehension?" Do you have
20 any thoughts like that?

21 VENIRE PERSON: Well, should I be afraid to be
22 on the jury?

23 MS. MORENO: I'm asking you if you have any
24 thoughts like that.

25 VENIRE PERSON: Well, yes, I guess I do.

18:00 1 MS. MORENO: Why don't you share that with us.
2 VENIRE PERSON: Well, if it's a big high profile
3 case, I don't want to be part of it.
4 MS. MORENO: You don't?
5 VENIRE PERSON: If it's going to be dangerous,
6 no.
7 MS. MORENO: Do you think it's going to be
8 dangerous?
9 VENIRE PERSON: I don't know.
10 MS. MORENO: I'm inquiring and I apologize for
11 pushing you on that. We need to know your opinions. Only
12 you know if you have any apprehensions about being
13 involved in a case like this.
14 VENIRE PERSON: Slightly apprehensive. I think
18:00 15 my husband is much more apprehensive.
16 MS. MORENO: So have you discussed your jury
17 summon?
18 VENIRE PERSON: Yes. He knew I was coming
19 today, and he read the paper and said this is probably the
20 case and said you don't want any part of that.
21 MS. MORENO: Does that influence you in being
22 able to sit on a case like this, your husband saying you
23 don't want any part of that?
24 VENIRE PERSON: No, not really.
25 MS. MORENO: See at the end of the day, these

18:00 1 gentlemen have every right to expect from any juror who
2 sits here that a juror can fairly look at the evidence and
3 have no apprehensions, no fear whatsoever. So my question
4 is can you afford them that right? And if you can't, we
5 want to know that and that's fine.

6 VENIRE PERSON: I think I can.

7 MS. MORENO: Do you have any doubt about that?

8 VENIRE PERSON: I don't think so.

9 MS. MORENO: The presumption of innocence, have
10 you heard of presumption of innocence?

11 VENIRE PERSON: Yes.

12 MS. MORENO: These gentlemen are afforded the
13 presumption of innocence. And as a juror you have to be
14 able to commit a hundred percent that you can absolutely
18:00 15 unflinching give them that presumption of innocence. Can
16 you do that?

17 VENIRE PERSON: I think I can do that, yes.

18 MS. MORENO: Do you have any hesitations about
19 that?

20 VENIRE PERSON: If I could be fair?

21 MS. MORENO: If you could give them the
22 presumption of innocence.

23 VENIRE PERSON: Well, I mean, everyone is
24 innocent until proven guilty. I believe that I guess.

25 MS. MORENO: And do you believe you can give

18:00 1 that in this case?

2 VENIRE PERSON: Yes.

3 MS. MORENO: And you have no hesitation about
4 that.

5 VENIRE PERSON: No, I don't think I do.

6 MS. MORENO: And you took a while to answer and
7 that's because?

8 VENIRE PERSON: Well, you are making me think
9 that --

10 MS. MORENO: I'm sorry. I don't mean to. I'm
11 just asking what your opinions are, what your state of
12 mind is.

13 VENIRE PERSON: I think I could be fair if I
14 served on a jury and weigh the evidence.

18:00 15 MS. MORENO: And could you be fair in this kind
16 of a trial?

17 VENIRE PERSON: I think I could be fair.

18 THE COURT: Ms. Moreno, your time is expired.

19 MS. MORENO: Thank you. Thank you, Ms.
20 Buonasera.

21 THE COURT: Counsel for the government have
22 questions for Ms. Buonasera?

23 MR. GARRETT: Briefly, your Honor.

24 Good afternoon, Ms. Buonasera.

25 VENIRE PERSON: Buonasera.

18:00 1 MR. GARRETT: Good afternoon. My name is Nathan
2 Garrett, and I'm one of the Assistant United States
3 Attorneys, and I'm one of the prosecutors on this case
4 representing the government, and I have a few questions
5 for you. First of all, I don't want anything I say or Ms.
6 Moreno said to put any thoughts in your head. We want to
7 know honestly what you believe.

8 VENIRE PERSON: Okay.

9 MR. GARRETT: You mentioned under your
10 questioning of Ms. Moreno that you are married. Is that
11 correct?

12 VENIRE PERSON: Correct.

13 MR. GARRETT: What type of work does your
14 husband do?

18:00 15 VENIRE PERSON: We own a landscaping business.

16 MR. GARRETT: So you own that together?

17 VENIRE PERSON: No, he and my father but I'm not
18 in that business.

19 MR. GARRETT: And you have three children,
20 thirteen, ten and seven?

21 VENIRE PERSON: Yes.

22 MR. GARRETT: And what do you do in your free
23 time?

24 VENIRE PERSON: I work.

25 MR. GARRETT: And have three kids at home?

18:00 1 VENIRE PERSON: I don't have any free time.

2 MR. GARRETT: I only have two. I don't think

3 you marked that you have served any jury service before.

4 VENIRE PERSON: I have not.

5 MR. GARRETT: Have you ever been called down

6 here before like you are today in terms of a jury pool?

7 VENIRE PERSON: No.

8 MR. GARRETT: First time?

9 VENIRE PERSON: I think I was on a pool a long

10 time ago, but they never got down that list far enough.

11 MR. GARRETT: I understand. And you are a high

12 school counselor?

13 VENIRE PERSON: Yes.

14 MR. GARRETT: Where?

18:00 15 VENIRE PERSON: Plano East.

16 MR. GARRETT: How long have you had that job?

17 VENIRE PERSON: I went back to work full time

18 for a year. I went back last year, and before that I

19 worked at Richardson High School, and prior to that I was

20 in private practice as a licensed professional counselor.

21 MR. GARRETT: So you have been a counselor for

22 how long?

23 VENIRE PERSON: Fourteen years.

24 MR. GARRETT: Always education related?

25 VENIRE PERSON: No, I was in private practice

18:00 1 doing individual and family therapy. But it was part time
2 when I was raising my children.

3 MR. GARRETT: In the schools at the beginning?

4 VENIRE PERSON: Yes, I was just seeing a few
5 clients to keep my license up for a few years, and I went
6 back to the school, and last year I decided I would start
7 back full time.

8 MR. GARRETT: Do you prefer the schools or the
9 private?

10 VENIRE PERSON: I prefer the school.

11 MR. GARRETT: Why?

12 VENIRE PERSON: The productivity. I was working
13 a lot with the adolescents. Private practice is a lot of
14 therapy appointment after appointment after appointment,
18:00 15 and in the schools there is more variety. I help the kids
16 with colleges, crisis counseling, I work with schedules.
17 Just a lot more variety.

18 MR. GARRETT: You work with a number of other
19 counselors I guess in a school that big?

20 VENIRE PERSON: Yes, sir.

21 MR. GARRETT: Ms. Moreno mentioned to you the
22 charges, the allegations in this case, what they are. And
23 to touch base on that, the allegations are that the
24 government is alleging that these gentlemen, these
25 defendants and the companies for which they work, provided

18:00 1 material support to a terrorist organization. And that
2 terrorist organization is HAMAS. And at the end of the
3 case if you are called to serve, if you are that fortunate
4 to serve, the Judge will give you what are called
5 instructions, and those instructions will be on what the
6 law is in this case.

7 VENIRE PERSON: Right.

8 MR. GARRETT: So then you will take the facts
9 you find yourself collectively and apply them to that law.
10 And I instruct you that the Judge will instruct you that
11 HAMAS is a terrorist organization, and as a result of that
12 designation, I expect the instructions will tell you that
13 one cannot send any material support to that organization.
14 And you will hear allegations of money. You can't send
18:00 15 money, regardless of what that money is used for. So even
16 if that money were spent on things you might consider
17 charitable items -- medical supplies or books for schools
18 or anything like that -- would that be an instruction you
19 would have difficulty following?

20 VENIRE PERSON: Not if that was the instruction.

21 MR. GARRETT: Thank you for your time.

22 THE COURT: Ms. Buonasera, we are in the process
23 of talking with the members of the pool from which the
24 jury will be selected that would hear this case. That
25 process will probably continue from today into tomorrow.

18:00 1 So until you hear from us further, you should not discuss
2 this case with anyone or allow anyone to discuss it with
3 you, and if there are any media accounts about the case in
4 the newspapers or on television or the radio, you should
5 not read or watch or listen to any such media accounts.
6 Thank you. You may be excused.

7 Mr. Kurian, counsel for the parties in this case
8 have some questions they would like to ask you. Mr.
9 Westfall.

10 MR. WESTFALL: Thank you, your Honor. Mr.
11 Kurian, I'm Greg Westfall. I'm one of the defense lawyers
12 in this case. I want to talk to you for a few minutes.
13 Okay? Thank you for waiting all day to speak with us and
14 please just relax. I know this is probably not your
18:00 15 favorite thing to do on a sunny afternoon.

16 You actually know about this case?

17 VENIRE PERSON: I learned about the case through
18 the media.

19 MR. WESTFALL: Please tell me what you have
20 seen.

21 VENIRE PERSON: This is about Holy Land
22 Foundation?

23 MR. WESTFALL: Right.

24 VENIRE PERSON: And money laundering and
25 exporting illegally and it's a charity organization.

18:00 1 That's what I know about it.

2 MR. WESTFALL: Right. Well, based upon what you
3 know, did you learn about it again recently?

4 VENIRE PERSON: Whatever I heard in the news
5 media, that's all I know.

6 MR. WESTFALL: Well, based upon that, have you
7 arrived at a conclusion as to whether they are guilty or
8 not?

9 VENIRE PERSON: Based upon the news media,
10 guilty.

11 MR. WESTFALL: You think they are guilty?

12 VENIRE PERSON: Yes, based on the news media.
13 But I don't know the whole story.

14 MR. WESTFALL: Well, we're having a little
18:00 15 difficulty here. Is that your opinion or is that what you
16 perceive is the news media's opinion?

17 VENIRE PERSON: News media.

18 MR. WESTFALL: What is your opinion?

19 VENIRE PERSON: I don't have any opinion, sir.

20 MR. WESTFALL: Karikal, India, is that a city,
21 small town?

22 VENIRE PERSON: It's a state, south part of
23 India, yes.

24 MR. WESTFALL: Any particular city that you are
25 from?

18:00 1 VENIRE PERSON: Yes, I'm from a city called
2 Sonepur.
3 MR. WESTFALL: And Malayalam?
4 VENIRE PERSON: Malayalam, yes.
5 MR. WESTFALL: That is your native language?
6 VENIRE PERSON: That's correct.
7 MR. WESTFALL: I have not heard of that. Is
8 that what they speak in Malaysia?
9 VENIRE PERSON: No, no, that's the language in
10 the state of Karikal. Each state has its own language.
11 MR. WESTFALL: How many states are there?
12 VENIRE PERSON: I don't know. I left India
13 years ago.
14 MR. WESTFALL: When did you leave?
18:00 15 VENIRE PERSON: I left in 1985.
16 MR. WESTFALL: What do you do at Parkland
17 Hospital?
18 VENIRE PERSON: I am a manager in engineering.
19 MR. WESTFALL: And you are a mechanical engineer
20 I guess?
21 VENIRE PERSON: Electrical.
22 MR. WESTFALL: Electrical engineer?
23 VENIRE PERSON: Yes.
24 MR. WESTFALL: Do you still have family back in
25 India?

18:00 1 VENIRE PERSON: Not close family. Close family
2 are here. My parents, my siblings are here.

3 MR. WESTFALL: In your work or whatever, do you
4 have any contacts with Muslims?

5 VENIRE PERSON: Not very close contacts, no.

6 MR. WESTFALL: Do you know any?

7 VENIRE PERSON: In our department there is
8 people -- there are people from Arabic countries, yes.

9 MR. WESTFALL: Tell me about them. Do you have
10 good experiences or bad experiences?

11 VENIRE PERSON: Not particularly any experience
12 other than just coworker.

13 MR. WESTFALL: Just professional experiences?

14 VENIRE PERSON: Yes, sir.

18:00 15 MR. WESTFALL: And you put in there that you go
16 to church?

17 VENIRE PERSON: Yes, I do.

18 MR. WESTFALL: Are you pretty active in your
19 church?

20 VENIRE PERSON: I was very active until I have
21 my own business. I don't have much time.

22 MR. WESTFALL: Your own business?

23 VENIRE PERSON: Yes, sir.

24 MR. WESTFALL: So you have your own business
25 besides Parkland?

18:00 1 VENIRE PERSON: My wife have her own business.
2 She runs the business, and I help her.
3 MR. WESTFALL: What business is that?
4 VENIRE PERSON: Restoration business. She runs
5 the business, and I help her.
6 MR. WESTFALL: What is it?
7 VENIRE PERSON: Fire and water.
8 MR. WESTFALL: I bet that keeps you busy.
9 VENIRE PERSON: Yes, all evening, and with the
10 two kids, pretty busy.
11 MR. WESTFALL: Are there any charities here like
12 American charities that send money specifically over to
13 the people in India?
14 VENIRE PERSON: I'm not aware of this. I'm sure
18:00 15 there are, but permanently I don't have any persons.
16 MR. WESTFALL: Have you done any kind of charity
17 work or volunteer work?
18 VENIRE PERSON: No. I donated money to
19 charities here, March of Dimes and charities like that.
20 MR. WESTFALL: You do that on a regular basis?
21 VENIRE PERSON: Every year, yes.
22 MR. WESTFALL: They come around at the employer
23 and say it's time to donate?
24 MR. GARRETT: That's correct.
25 MR. WESTFALL: Do you do any through your church

18:00 1 at all?

2 VENIRE PERSON: Not much.

3 MR. WESTFALL: You mentioned one other thing.

4 You don't like to watch the killing of another human
5 being?

6 VENIRE PERSON: I'm not violent, and I don't
7 like to watch violent graphics.

8 MR. WESTFALL: I agree with that. We have here
9 Muslim men and a case that has terrorism in the title.
10 Can you be a fair and impartial juror in a case like that?

11 VENIRE PERSON: Sure. I don't have anything
12 against Muslims.

13 MR. WESTFALL: No hesitation?

14 VENIRE PERSON: No.

18:00 15 MR. WESTFALL: Do you have anything going on in
16 the next four months?

17 VENIRE PERSON: I have manage a project at
18 Parkland, a 1.5 million dollar project. I just finished
19 with the design. We are in the process of bidding it.

20 MR. WESTFALL: Is the project going to crater if
21 you are not there four months?

22 VENIRE PERSON: I don't know who will handle it
23 if I'm not there. I'm not sure.

24 MR. WESTFALL: Well, if it is a situation that
25 could distract you from jury service, four days a week --

18:00 1 From nine o'clock basically to five o'clock Monday through
2 Thursday, those are the hours. It could go four months.
3 If something in your life like this project is in grave
4 peril of cratoring because of your jury service to where
5 it would distract you in your jury service, the Court and
6 we need to know about that. Are you in that situation?

7 VENIRE PERSON: The project I just explained
8 about, that may have some impact. I don't know how much
9 that will be.

10 MR. WESTFALL: Well, if you get a handle on
11 that, speak with the jury administrator or get some
12 message to the Court so that everyone knows in time.
13 Because this trial is coming, all right?

14 VENIRE PERSON: Yes, sir.

18:00 15 MR. WESTFALL: Thank you so much.

16 THE COURT: Counsel for the government have
17 questions for Mr. Kurian?

18 MR. JACKS: Yes, your Honor. Good afternoon,
19 Mr. Kurian. My name is Jim Jacks. I'm an Assistant
20 United States Attorney for the Northern District of Texas.
21 I'm one of the prosecutors on this case. I will be
22 representing the government during this trial, and I have
23 a few follow-up questions, if I may. You left India in
24 1984?

25 VENIRE PERSON: End of 1984. So I think I

18:00 1 reached here January 2nd or something like that. I don't
2 remember the exact date.

3 MR. JACKS: Your wife is from Burma?

4 VENIRE PERSON: Originally, yes.

5 MR. JACKS: Did you and she meet in the United
6 States?

7 VENIRE PERSON: No, we met in Singapore. She
8 lived in Singapore for a long time.

9 MR. JACKS: Did you meet her before you came to
10 the United States?

11 VENIRE PERSON: No.

12 MR. JACKS: What took you to Singapore?

13 VENIRE PERSON: Family friends.

14 MR. JACKS: You have two young children, and
18:00 15 your wife operates this new business?

16 VENIRE PERSON: She handles it all during the
17 day, and I work in the evenings. It's a twenty-four hour
18 service.

19 MR. JACKS: It's a twenty-four hour service?

20 VENIRE PERSON: Yes.

21 MR. JACKS: Do you have employees that work for
22 you?

23 VENIRE PERSON: Yes, sir.

24 MR. JACKS: And from your description it sounds
25 like your company -- if a building or residence is damaged

18:00 1 by fire or water, you go in and clean it up and try to
2 restore it?

3 VENIRE PERSON: That's correct.

4 MR. JACKS: How long has that been in existence?

5 VENIRE PERSON: Two years just about. I don't
6 have an exact date.

7 MR. JACKS: About how many employees do you have
8 at any given time?

9 VENIRE PERSON: About four or five.

10 MR. JACKS: And you said there is a project or
11 contract that you are in the process of bidding for?

12 VENIRE PERSON: At Parkland Hospital, yes.

13 MR. JACKS: Did you say the value of that
14 contract?

18:00 15 VENIRE PERSON: Approximately 1.5 million
16 dollars.

17 MR. JACKS: To do what?

18 VENIRE PERSON: To install generators and gears.

19 MR. JACKS: This has nothing to do with this
20 company of you and your wife's?

21 VENIRE PERSON: No, it's my day job.

22 MR. JACKS: When did you acquire your
23 citizenship?

24 VENIRE PERSON: I believe in 1992.

25 MR. JACKS: Would that be true for your wife?

18:00 1 Was it the same time when she got her citizenship?

2 VENIRE PERSON: No, I have been here way before
3 she came.

4 MR. JACKS: Is the Dallas area the only place
5 that you have lived in the United States?

6 VENIRE PERSON: Yes, sir. I came to New York
7 originally. That's where I came to and then moved here.

8 MR. JACKS: How long did you stay in New York?

9 VENIRE PERSON: A few days. Probably a week or
10 so.

11 MR. JACKS: Okay. Where did you get your
12 education? In the United States or India?

13 VENIRE PERSON: Majority of the education in
14 India and I got an associate degree in electronics.

18:00 15 MR. JACKS: Where did you get your associate
16 degree?

17 VENIRE PERSON: It's a private school in Dallas.

18 MR. JACKS: You show that you are a member of
19 the Pentecostal church?

20 VENIRE PERSON: That's correct.

21 MR. JACKS: Was that the faith you followed in
22 India or did you adopt that faith after you moved to the
23 United States?

24 VENIRE PERSON: We are always a christian
25 family, but different denomination. We got baptized when

18:00 1 we got here.

2 MR. JACKS: Is there anything in the Pentecostal
3 faith that prohibits its members from judging other people
4 or am I confusing that with some other faith?

5 VENIRE PERSON: I don't know. I can ask my
6 pastor. I'm not sure.

7 MR. JACKS: How would you describe your activity
8 in the church? Did you and your family go weekly?

9 VENIRE PERSON: Like I say, our business is
10 twenty-four hours. Sunday morning I get a job and I don't
11 go to church. So it's not as usual as it used to be.

12 MR. JACKS: Where is your church located? In
13 Garland?

14 VENIRE PERSON: In Garland.

18:00 15 MR. JACKS: How big is it?

16 VENIRE PERSON: Very small. Our community.

17 MR. JACKS: So two hundred twenty?

18 VENIRE PERSON: No, probably about twenty
19 members, twenty families I would say.

20 MR. JACKS: Twenty families?

21 VENIRE PERSON: Yes, sir.

22 MR. JACKS: You said you heard of this case
23 through the media. Have you heard of HAMAS?

24 VENIRE PERSON: What I heard through the media.

25 MR. JACKS: Do you pay attention to what's going

18:00 1 on overseas and around the world?

2 VENIRE PERSON: No. I don't have time actually.

3 MR. JACKS: The Judge will give the jury the law
4 that applies. He would tell you at the end of the case
5 what the charges are and what the government must prove to
6 prove that a person is guilty. He will give you
7 definitions of words. So if there is a word you might not
8 understand, he would put a definition in there. I
9 suspect, first of all, that he would tell the jury that
10 HAMAS has been designated a terrorist organization by the
11 U. S. Government, and secondly, I suspect he would tell
12 the jury that any type of contribution or material support
13 to HAMAS is against the law, even if money is given and
14 that money is used for humanitarian things like food or
18:00 15 clothing or medical supplies. If the money is used in
16 that manner but if it's for the benefit or use of HAMAS,
17 it's against the law. If that is the instruction, would
18 you follow that instruction and find a verdict of guilty
19 if you believe that the government has proved those acts
20 beyond a reasonable doubt?

21 VENIRE PERSON: Sure.

22 THE COURT: Mr. Kurian, we're in the process of
23 talking to the members of the panel from which a jury will
24 be selected to hear this case. I suspect it will continue
25 through tomorrow. So until you hear further from us, you

18:00 1 should not discuss the case with anyone or allow anyone to
2 discuss it with you, and if there are any media accounts
3 on the television or news or radio, you should not read or
4 watch or listen to any accounts. Thank you, sir, you may
5 be excused.

6 Mr. Mooney, counsel for the parties have some
7 questions they would like to ask you.

8 MR. WESTFALL: Good afternoon. I'm Greg
9 Westfall. I'm one of the defense lawyers in the case. I
10 want to speak to you a very few minutes, and then the
11 government will want to speak with you. Okay?

12 VENIRE PERSON: Okay.

13 MR. WESTFALL: This is the United States versus
14 Holy Land Foundation case. It involves a Muslim charity,
18:00 15 an American Muslim charity and allegations by the
16 government that the charity and some of the men who work
17 with the charity gave material support to HAMAS which is a
18 terrorist organization. The charity was based in
19 Richardson. After telling you that, does that ring any
20 bells? Are you familiar with the case?

21 VENIRE PERSON: I have heard a little bit about
22 it. That's about it.

23 MR. WESTFALL: From what you have heard or
24 thought about or may or may not have discussed with
25 anybody, have you arrived at any opinion as to whether the

18:00 1 defendants are guilty or not guilty?

2 VENIRE PERSON: I don't know enough of the facts
3 to form an opinion like that.

4 MR. WESTFALL: How do you feel about being a
5 juror in a case where terrorism is at least in the title
6 of the offense?

7 VENIRE PERSON: I don't know. I never
8 experienced it before.

9 MR. WESTFALL: Ever been on any juries at all?

10 VENIRE PERSON: Yes.

11 MR. WESTFALL: You have been on a couple of
12 juries, haven't you?

13 VENIRE PERSON: Yes.

14 MR. WESTFALL: So you have experienced being on
18:00 15 the jury?

16 VENIRE PERSON: That's correct.

17 MR. WESTFALL: This one may run four months, may
18 run more than four months, but four months is probably
19 everyone's best estimate of what we're looking at. How do
20 you feel about that?

21 VENIRE PERSON: It seems a little long, but I
22 understand major cases do run this long.

23 MR. WESTFALL: We aren't California. In
24 California, they can make a DWI last four months. This is
25 going to be a pretty long very complicated case. It

18:00 1 sounds like -- You mentioned that you have auditing
2 experience and you would use that in looking at the facts.

3 VENIRE PERSON: Yes.

4 MR. WESTFALL: Tell me about that experience.

5 VENIRE PERSON: I work reviewing bank
6 procedures, cash funds, everything involved in the
7 industry.

8 MR. WESTFALL: So are you called in whenever
9 there has been thought that maybe somebody has done wrong?
10 Do you come in and do a forensic audit or just like an
11 annual audit type of deal?

12 VENIRE PERSON: I actually did both. I'm called
13 in when there might be some possible cases of malfeasance
14 or problems. Most of the work though was ordinary
18:00 15 operational type of how to improve things, etcetera.

16 MR. WESTFALL: On the forensic audits, I guess
17 you look for a paper trail, and the paper trail pretty
18 much tells the stories?

19 VENIRE PERSON: Yes.

20 MR. WESTFALL: How many forensic audits have you
21 done, do you think?

22 VENIRE PERSON: Probably only three or four.

23 MR. WESTFALL: Are they recently in your career
24 or way back?

25 VENIRE PERSON: This would have been twenty

18:00 1 years ago.

2 MR. WESTFALL: I guess you would be looking for
3 money that was stolen or misappropriated somehow?

4 VENIRE PERSON: Right.

5 MR. WESTFALL: And you would be able to figure
6 that out from looking at the paperwork?

7 VENIRE PERSON: Sometimes. Sometimes there is
8 gaps in there that can go elsewhere. The bulk of it is in
9 the paperwork at least.

10 MR. WESTFALL: So as a forensic auditor, if the
11 paperwork looks like it's in good condition, what did you
12 do? If the paperwork looks like it's in good condition --
13 I's dotted and T's crossed?

14 VENIRE PERSON: If it looks in good condition,
18:00 15 yes. I don't always trust somebody else's paperwork.

16 MR. WESTFALL: Way back in the seventies you had
17 to have a clearance for something?

18 VENIRE PERSON: That was in my military career.

19 MR. WESTFALL: Tell me about your military
20 career.

21 VENIRE PERSON: I was in the army three years,
22 and I needed a secret security clearance because of the
23 nature of the work I was doing.

24 MR. WESTFALL: Without giving away any secrets,
25 what did you do?

18:00 1 VENIRE PERSON: Tactical nuclear weapons.
2 MR. WESTFALL: Okay. You did three years,
3 enlisted?
4 VENIRE PERSON: Yes.
5 MR. WESTFALL: And then you got out?
6 VENIRE PERSON: Yes.
7 MR. WESTFALL: Did you ever do anything with
8 your clearance after that?
9 VENIRE PERSON: No.
10 MR. WESTFALL: You said you followed the
11 Israeli-Palestinian conflict closely, but you didn't put
12 anything else out. What do you think about that?
13 VENIRE PERSON: I look at it as a key to what's
14 happening in the Middle East.
18:00 15 MR. WESTFALL: Tell me about that.
16 VENIRE PERSON: This has been going on for
17 thousands of years, and I would like to see if there are
18 any trends, both positive and negative, of what's going on
19 right now.
20 MR. WESTFALL: Any sense of who's right and
21 who's wrong in the Palestinians issue?
22 VENIRE PERSON: Not really. I think both sides
23 are somewhat hard headed.
24 MR. WESTFALL: How would you change it?
25 VENIRE PERSON: I don't see much change. I

18:00 1 think they are both hard headed about that, and there
2 could be some movement if they are willing to give in
3 some.

4 MR. WESTFALL: How do you think the war on
5 terror is going?

6 VENIRE PERSON: Locally, nationally or across
7 the world?

8 MR. WESTFALL: Internationally?

9 VENIRE PERSON: Doesn't seem to be going all of
10 that well right now. There are a lot of hot spots all
11 over the world and a lot of people being hurt.

12 MR. WESTFALL: What could we be doing
13 differently?

14 VENIRE PERSON: As individuals?

18:00 15 MR. WESTFALL: As a country.

16 VENIRE PERSON: As a country, I don't know.

17 I really don't. It seems like we have tried a
18 number of things. It just doesn't seem to help. I think
19 there is too much of a cultural difference.

20 MR. WESTFALL: Do you know any Muslims?

21 VENIRE PERSON: Yes.

22 MR. WESTFALL: Do you have any good experiences
23 with Muslims?

24 VENIRE PERSON: Yes.

25 MR. WESTFALL: Thank you very much.

18:00 1 THE COURT: Counsel for the government.

2 MR. GARRETT: Yes, your Honor. Mr. Mooney, good

3 afternoon. My name is Nathan Garrett, and I'm an

4 Assistant United States Attorney and one of the

5 prosecutors who will be handling this case for the

6 government. I just have a couple of things -- maybe more

7 than a couple but a few things to follow-up with you.

8 Okay?

9 VENIRE PERSON: Yes.

10 MR. GARRETT: First of all, I agree with you

11 four months sounds a little long. We're on the same page.

12 You state on your questionnaire you are married.

13 VENIRE PERSON: Yes.

14 MR. GARRETT: Does your wife work outside the

18:00 15 home?

16 VENIRE PERSON: Yes.

17 MR. GARRETT: What type of work does she do?

18 VENIRE PERSON: She's a school principal.

19 MR. GARRETT: So she keeps you in line as well?

20 VENIRE PERSON: Yes.

21 MR. GARRETT: Elementary, high school?

22 VENIRE PERSON: Elementary.

23 MR. GARRETT: Is that in the Dallas-Fort Worth

24 area?

25 VENIRE PERSON: Yes.

18:00 1 MR. GARRETT: And you have one daughter?
2 VENIRE PERSON: Yes.
3 MR. GARRETT: Thirty-one years old?
4 VENIRE PERSON: Yes.
5 MR. GARRETT: Does she still live around the
6 area?
7 VENIRE PERSON: Yes.
8 MR. GARRETT: And in your questionnaire, you
9 have lived in the area for twenty years; is that right?
10 VENIRE PERSON: Yes.
11 MR. GARRETT: And where were you living before
12 you moved to this area?
13 VENIRE PERSON: Western Pennsylvania.
14 MR. GARRETT: You mind me asking what brought
18:00 15 you to Texas?
16 VENIRE PERSON: Too much snow and cold.
17 MR. GARRETT: Those are all good reasons. I'm
18 from Kansas City. Those are good reasons. You also
19 mentioned to Mr. Westfall that you were in the military.
20 VENIRE PERSON: Yes.
21 MR. GARRETT: You also were in Hawaii?
22 VENIRE PERSON: Yes.
23 MR. GARRETT: How does a guy get that draw?
24 VENIRE PERSON: I'm not sure.
25 MR. GARRETT: But it was a good one?

18:00 1 VENIRE PERSON: I was actually going through
2 officer training, and when I got out of there I was going
3 everywhere, and at the time ninety percent were going
4 straight to Vietnam.

5 MR. GARRETT: And you got Hawaii?

6 VENIRE PERSON: Hawaii and nuclear weapons.

7 MR. GARRETT: Always a trade off?

8 VENIRE PERSON: Yes, there is something about a
9 four star general looking over you when you are running
10 through your work.

11 MR. GARRETT: And now, of course, you have a
12 principal at home so more of the same. You were in the
13 military I think you said three years?

14 VENIRE PERSON: Yes.

18:00 15 MR. GARRETT: Did you serve on any reserve
16 status or anything like that when you got out?

17 VENIRE PERSON: It was inactive reserve.

18 MR. GARRETT: And looks like -- I'm looking at
19 your questionnaire. You have served on three juries?

20 VENIRE PERSON: Yes.

21 MR. GARRETT: Those were all criminal I think?

22 VENIRE PERSON: Yes.

23 MR. GARRETT: And for one of them you have about
24 1983 on the time frame. Were the other ones before or
25 after that?

18:00 1 VENIRE PERSON: Before.

2 MR. GARRETT: So since 1983 you haven't served
3 on a jury?

4 VENIRE PERSON: I have been called, but not
5 actually served.

6 MR. GARRETT: Federal court or state?

7 VENIRE PERSON: State.

8 MR. GARRETT: Down at the Crowley Building.
9 Okay.

10 As Mr. Westfall touched on, the allegations of
11 this case include that the defendants knowingly provided
12 material support to a terrorist organization. As you may
13 recall from your prior jury service -- I know it's been a
14 while -- at the end of the case the judge will give you
18:00 15 instructions on the law, and you and your group
16 collectively take the facts and apply them to that law. I
17 expect the instructions to be that HAMAS, the group at
18 issue here, is a terrorist organization, been designated
19 by the government as a terrorist organization. And as a
20 result of that designation, one cannot send material
21 support to HAMAS. Cannot send money and other things to
22 HAMAS. And I expect the instruction to include even if
23 that money is spent on so called humanitarian things --
24 medical supplies, books, those sorts of things -- if it
25 goes to the benefit of HAMAS, that's illegal.

18:00 1 VENIRE PERSON: Yes.

2 MR. GARRETT: Is that an instruction you would
3 have any problem following?

4 VENIRE PERSON: No.

5 MR. GARRETT: Thank you for your time.

6 THE COURT: Mr. Mooney, we're in the process of
7 talking to the members of the panel from which the jury
8 will be selected that would hear this case. I expect that
9 process to continue through today and into tomorrow. So
10 until you hear from us further, you should not discuss
11 this case with anyone or allow anyone to discuss it with
12 you, and if there are any media accounts about the case in
13 the newspapers or on television or on the radio, you
14 should not read or watch or listen to any such media
18:00 15 accounts.

16 VENIRE PERSON: I understand.

17 THE COURT: You may be excused. Thank you.

18 Good afternoon, Mr. Huffman. Counsel for the
19 parties have some questions they would like to ask you.

20 MR. WESTFALL: Good afternoon. I'm Greg
21 Westfall. I will like to talk to you for a bit. Do you
22 know what case this is?

23 VENIRE PERSON: Not specifically but in general.

24 MR. WESTFALL: It's United States versus Holy
25 Land Foundation, and it has to do with an American Muslim

18:00 1 charity that is accused by the government of giving
2 material support to HAMAS which is a terrorist
3 organization. Is that the same one you have heard about?

4 VENIRE PERSON: Basically, yes.

5 MR. WESTFALL: What have you heard?

6 VENIRE PERSON: That it was essentially a money
7 laundering scheme and a money funneling scheme. That's
8 essentially what I heard.

9 MR. WESTFALL: How far back are we talking you
10 heard this in the media? Was it a long time ago or
11 recently?

12 VENIRE PERSON: Mentioned yesterday morning the
13 jury selection process. And before that, I remember it
14 being mentioned on the news about the sting being done,
18:00 15 but I couldn't give you the date on that.

16 MR. WESTFALL: Based upon what you have read and
17 what you have heard, have you formed any opinions about
18 the guilt or innocence of the defendants?

19 VENIRE PERSON: No.

20 MR. WESTFALL: You said on your questionnaire
21 you followed the John Walker case.

22 VENIRE PERSON: I didn't follow it. I heard he
23 had been convicted. But I didn't follow it on a daily
24 basis.

25 MR. WESTFALL: Well, the question was a little

18:00 1 ambivalent. What did you think of the conviction or the
2 outcome of the case?

3 VENIRE PERSON: Well, anybody found guilty of
4 something like that I thought should be punished to the
5 extent of the law.

6 MR. WESTFALL: I guess he ultimately pled
7 guilty?

8 VENIRE PERSON: Yes.

9 MR. WESTFALL: And then Tim McVeigh. You listed
10 Tim McVeigh.

11 VENIRE PERSON: Yes.

12 MR. WESTFALL: Do you design weather radar
13 systems?

14 VENIRE PERSON: Yes.

18:00 15 MR. WESTFALL: Can you tell us about that?

16 VENIRE PERSON: Channel 5, they use our radar
17 processing system. They call it Storm Track 5. We have
18 systems in Oklahoma City, Tulsa and just sold one in
19 Sherman.

20 MR. WESTFALL: So you work for the company that
21 makes them?

22 VENIRE PERSON: I write the software, and we
23 install the computers and software in our sites.

24 MR. WESTFALL: Did you go to school here in
25 Texas?

18:00 1 VENIRE PERSON: Yes, sir.
2 MR. WESTFALL: A and M?
3 VENIRE PERSON: Yes, sir.
4 MR. WESTFALL: You said you followed the
5 Palestinians-Israeli conflict closely?
6 VENIRE PERSON: Kind of hard to avoid it.
7 MR. WESTFALL: Tell us how you followed it.
8 VENIRE PERSON: Well, there is a war going on
9 right now. Trying to keep a sense of what is happening in
10 the world.
11 MR. WESTFALL: Any sense of who's right or
12 wrong?
13 VENIRE PERSON: Well, I believe murder to
14 further a political cause is reprehensible.
18:00 15 MR. WESTFALL: And which side does that?
16 VENIRE PERSON: At this point in time I would
17 say the actions of HAMAS and groups like them fall into
18 that category.
19 MR. WESTFALL: We have Muslim gentlemen in this
20 case charged with something to do with terrorism, material
21 support of HAMAS. There is a lot of different kinds of
22 trials, criminal trials. Have you ever been on a trial
23 before?
24 VENIRE PERSON: No.
25 MR. WESTFALL: The thing that a juror has to do

18:00 1 and the jury has to do is make a decision based upon the
2 evidence in court. That's the only fair way, the only way
3 that the process self executes and keeps hopefully coming
4 up with the right result, and it's different in every
5 trial and every jury. We have a case here of five Muslim
6 men charged with something that has to do with terrorism.
7 How do you feel about being on that jury?

8 VENIRE PERSON: About being on the jury? Well,
9 if I am asked, I will serve.

10 MR. WESTFALL: How do you feel about being on a
11 jury for four months?

12 VENIRE PERSON: Honestly it doesn't excite me.
13 I have a very large project. I work in our family
14 business, and our work force is cut by about a fifth.

18:00 15 MR. WESTFALL: Do you believe that you could
16 give them the presumption of innocence? That's the way
17 our system works. Do you believe you can apply the
18 presumption of innocence?

19 VENIRE PERSON: Yes.

20 MR. WESTFALL: No hesitation?

21 VENIRE PERSON: I would like to think that of
22 myself. Honestly, yes.

23 MR. WESTFALL: Very good. Now, on the issue of
24 your family business, is this going to hurt your business?

25 VENIRE PERSON: It certainly won't help, but

18:00 1 we'll get by.

2 MR. WESTFALL: Well, if the business is going to
3 be impaired to the point that it will distract you from
4 your service, this is the kind of thing the Court needs to
5 know about and the jury administrator needs to know about,
6 and they need to know about it quickly.

7 VENIRE PERSON: Well, if I understand correctly,
8 service would be at least four days a week.

9 MR. WESTFALL: Four days a week.

10 VENIRE PERSON: So essentially eight hours a
11 day, four days a week, Monday through Thursday.

12 MR. WESTFALL: Right.

13 VENIRE PERSON: That would definitely cause
14 problems with work. It's not a money issue. It's a
18:00 15 manpower issue.

16 MR. WESTFALL: If it's an issue at the end of
17 the day that could really hurt your business -- Basically
18 would you sit here and be distracted because you are
19 worried about your business? That is the kind of thing
20 that can be taken into consideration as long as you give
21 us word quickly. Do you have any questions? I know you
22 sat around all day. Anything else we need to know about
23 or the Court needs to know about?

24 VENIRE PERSON: No.

25 THE COURT: Counsel for the government have

18:00 1 questions for Mr. Huffman?

2 MR. JONAS: No, your Honor.

3 THE COURT: Mr. Huffman, we're in the process of
4 talking to the members of the panel from which the jury in
5 this case will be selected. That process will continue
6 until sometime tomorrow. Until you hear from us, you
7 should not discuss the case anyone or allow anyone to
8 discuss it with you, and if there are any media accounts
9 about this case in the media on television, newspapers or
10 radio, you should not read, watch or listen to any such
11 media accounts. Thank you, sir. You may be excused.

12 THE COURT: Good afternoon, Ms. Hodge. Counsel
13 have some questions for you.

14 MS. MORENO: Good afternoon, Ms. Hodge. Thank
18:00 15 you for waiting all day. I have some questions I would
16 like to ask you in this case. I'm Linda Moreno. This
17 case involves the Holy Land Foundation. Have you seen
18 anything in the press, heard anything on the TV or on the
19 radio about an organization that has been accused of
20 material support of terrorism?

21 VENIRE PERSON: I may have, but I didn't pay
22 much attention to it.

23 MS. MORENO: You don't recall anything?

24 VENIRE PERSON: No.

25 MS. MORENO: You are a quality assurance

18:00 1 inspector?

2 VENIRE PERSON: Yes.

3 MS. MORENO: Where do you work?

4 VENIRE PERSON: Summernote.

5 MS. MORENO: What kind of work is that?

6 VENIRE PERSON: Production. We make paper cups,
7 spoons, forks.

8 MS. MORENO: And you are the lady that goes by
9 to make sure they are as they should be?

10 MR. JACKS: I go by and take the cups and test
11 them for leaks.

12 MS. MORENO: And how long have you done that?

13 VENIRE PERSON: Ten years.

14 MS. MORENO: This is a case that may last four
18:00 15 months. No court on Friday, four days a week. But four
16 months. Could be more, could be less. Is that anything
17 that's going to cause you a hardship, any problems at
18 work?

19 VENIRE PERSON: At work? I don't think so.
20 They would have someone to cover what I do.

21 MS. MORENO: So you are not concerned about this
22 long jury service affecting your job in any way?

23 VENIRE PERSON: No.

24 MS. MORENO: If you find that out within the
25 next day, please let us know.

18:00 1 VENIRE PERSON: Okay.

2 MS. MORENO: Where did you go to school?

3 VENIRE PERSON: South Oak Cliff High School.

4 MS. MORENO: Do you know any Muslims?

5 VENIRE PERSON: No.

6 MS. MORENO: No experience or dealings with

7 people who are Muslims? How about people of Arabic

8 descent?

9 VENIRE PERSON: Not that I know of.

10 MS. MORENO: The gentlemen charged here are all

11 Muslim and Palestinians. I ask you these questions to

12 determine whether you have had any bad experience with

13 Muslims or if there is any kind of prejudices or ideas

14 that you have that you wouldn't be a fair juror in this

18:00 15 case.

16 VENIRE PERSON: I haven't had any.

17 MS. MORENO: I'm sorry?

18 VENIRE PERSON: I haven't had any experience

19 with Muslims.

20 MS. MORENO: When you use the term Muslim, what

21 do you think?

22 VENIRE PERSON: I think of what the guy's name.

23 I think of Mohamed Ali. Any famous person like that.

24 MS. MORENO: This is a case that the government

25 alleges that the Holy Land Foundation sent humanitarian

18:00 1 aid and the humanitarian aid was in the form of food,
2 medicine, books, the rebuilding of homes that were
3 destroyed, libraries. Okay? Mobile bread bakeries. Now,
4 this humanitarian aid the government says benefited the
5 terrorist organization called HAMAS. Have you heard of
6 HAMAS?

7 VENIRE PERSON: No.

8 MS. MORENO: The government says this
9 organization somehow benefited the terrorist organization
10 HAMAS. Let me ask you, have you heard of the presumption
11 of innocence? And in this country anybody accused of a
12 crime is presumed innocent. Do you understand that?

13 VENIRE PERSON: Yes.

14 MS. MORENO: Knowing what the charges are, just
18:00 15 what the allegations are, do you have any problems in
16 affording these gentlemen the presumption of innocence in
17 a case like this?

18 VENIRE PERSON: No.

19 MS. MORENO: Does it cause you any kind of
20 concern?

21 VENIRE PERSON: No.

22 MS. MORENO: You need a break?

23 VENIRE PERSON: Well, I have asthma.

24 MS. MORENO: Well, I'm sorry. Is that something
25 that might affect you in your jury service?

18:00 1 VENIRE PERSON: No.

2 MS. MORENO: So we don't need to go there. Then
3 I won't. The burden of proof, have you heard about the
4 burden of proof beyond a reasonable doubt?

5 VENIRE PERSON: Yes.

6 MS. MORENO: There is anything about making the
7 government prove their case beyond a reasonable doubt in a
8 case involving terrorism charges that makes you wonder,
9 that makes you think maybe they don't have to prove it
10 beyond a reasonable doubt?

11 VENIRE PERSON: I would think that we have to
12 prove it.

13 MS. MORENO: You don't have any hesitation about
14 that?

18:00 15 VENIRE PERSON: No.

16 MS. MORENO: Thank you so much.

17 THE COURT: Counsel for the government have
18 questions of Ms. Hodge?

19 MS. SHAPIRO: Yes, your Honor. Good afternoon.
20 My name is Elizabeth Shapiro, and I'm representing the
21 government in this case. I have just a couple more
22 questions to ask you. I take it from your questionnaire
23 that you were born and raised here in Dallas.

24 VENIRE PERSON: Yes.

25 MS. SHAPIRO: And it looks like you have a son.

18:00 1 Is that correct?

2 VENIRE PERSON: Yes.

3 MS. SHAPIRO: Do you have any other children?

4 VENIRE PERSON: No.

5 MS. SHAPIRO: The one son?

6 VENIRE PERSON: Yes.

7 MS. SHAPIRO: How old is he?

8 VENIRE PERSON: Thirty-one.

9 MS. SHAPIRO: I notice on your questionnaire --

10 And I apologize for raising it -- that it looks like he

11 was convicted of a drug charge. Is that right?

12 VENIRE PERSON: Yes, he was.

13 MS. SHAPIRO: Back in 1993?

14 VENIRE PERSON: Yes.

18:00 15 MS. SHAPIRO: Did he end up doing jail time for

16 that?

17 VENIRE PERSON: Yes, he did.

18 MS. SHAPIRO: Is he out of jail now?

19 VENIRE PERSON: Yes.

20 MS. SHAPIRO: And during that process, did you

21 feel like he was treated fairly by the criminal justice

22 system?

23 VENIRE PERSON: Yes, I did.

24 MS. SHAPIRO: Nothing about that experience

25 that would color how you would look at the government in

18:00 1 this case?

2 VENIRE PERSON: No.

3 MS. SHAPIRO: Ms. Moreno explained a little bit
4 about the charges in this case, and I wanted to explain
5 them a little more. The allegations are in this case that
6 the defendants and an organization they worked for sent
7 money overseas to benefit a terrorist organization. Do
8 you understand?

9 VENIRE PERSON: Run that by me one more time.

10 MS. SHAPIRO: Sure. The allegation or one of
11 the principal allegations are that the defendants in this
12 case and the organization they work for, the Holy Land
13 Foundation, sent money from here, from Dallas, to the
14 Middle East, to the West Bank in Gaza, Palestine, and that
18:00 15 they did that with the intent to benefit a terrorist
16 organization. Okay?

17 VENIRE PERSON: All right.

18 MS. SHAPIRO: So my next question is at the end
19 of the case, when the judge -- after you hear all the
20 evidence from both sides -- instructs you on the law --
21 And the judge will do that at the end of the case. He
22 would give you instructions so that you know what to do
23 with all the facts you heard. You decide the facts, and
24 then you apply the law the Judge will give you at the end
25 of the case. With me so far?

18:00 1 VENIRE PERSON: Yes.

2 MS. SHAPIRO: And the Judge will instruct that
3 HAMAS is a terrorist organization. The United States has
4 so designated it. He would also instruct you on what
5 material support means, and he would likely tell you that
6 sending money to a terrorist organization with the intent
7 to benefit that organization is material support. Okay?
8 He may also tell you that even if some of that money that
9 was sent over there went for humanitarian purposes -- in
10 other words, to buy food or clothing or books, but that
11 humanitarian assistance went to the benefit of a terrorist
12 organization -- that that, too, is material support, and
13 that is against the law. Do you understand?

14 VENIRE PERSON: Yes.

18:00 15 MS. SHAPIRO: If the Judge gave you those
16 instructions at the end of the case, would you be able to
17 follow them? Do you have any problem with that concept?

18 VENIRE PERSON: I think I could follow that.

19 MS. SHAPIRO: Great. Thank you.

20 THE COURT: Ms. Hodge, we are in the process of
21 talking with the members of the panel from which the jury
22 will be selected that would hear this case. I expect that
23 process to continue until tomorrow. So until you hear
24 from us further, you should not discuss this case with
25 anyone or allow anyone to discuss it with you, and also if

18:00 1 there are any media accounts about the case in the
2 newspapers or on television or radio, you should not read
3 or watch or listen to any of those media accounts. Thank
4 you, ma'am. You may be excused.

5 VENIRE PERSON: Thank you.

6 THE COURT: Good afternoon, Ms. Brown. Counsel
7 for the parties have some questions to ask you.

8 MS. MORENO: Good afternoon, Ms. Brown. My name
9 is Linda Moreno. First of all, thank you for waiting all
10 day long. I have only a few questions for you based on
11 the answers you gave in your questionnaire that you filled
12 out a couple of weeks ago. We asked in the questionnaire
13 if you had any opinions regarding the conflict between
14 Israel and Palestine, and I believe you indicated that you
18:00 15 might be partial to Israel because of its supported by the
16 United States and its significance in the Bible?

17 VENIRE PERSON: Right.

18 MS. MORENO: Can you explain that? What is
19 steering you to this support?

20 VENIRE PERSON: Well, the Bible is the story --
21 especially the old Testament -- of Israel's place in the
22 world, and that's primarily where the Bible mentions
23 Israel, is in the old Testament.

24 MS. MORENO: You also indicated that you might
25 be partial to Israel because of its support by the United

18:00 1 States. You seemed to have two reasons.

2 VENIRE PERSON: Israeli's support by the United
3 States?

4 MS. MORENO: Yes.

5 VENIRE PERSON: United States has long supported
6 Israel. I have always felt that was good.

7 MS. MORENO: This is a case that involves the
8 Holy Land Foundation, a charity. It's an American Muslim
9 charity. Have you heard anything about it in the media?

10 VENIRE PERSON: I think when it broke several
11 years ago. That was in the newspaper, yes. So I read
12 that.

13 MS. MORENO: Do you recall any of the details?

14 VENIRE PERSON: I pretty much skimmed it. I
18:00 15 think there was some concern about it supporting terrorist
16 activities.

17 MS. MORENO: Yes, ma'am. So my question to you
18 is -- And we're going to be talking about your feelings,
19 your honest feelings.

20 VENIRE PERSON: Right.

21 MS. MORENO: So I'm asking you -- And we're all
22 asking you to be open about them. There aren't any right
23 or wrong answers, and no one is judging you here.

24 VENIRE PERSON: Right.

25 MS. MORENO: What these gentlemen are entitled

18:00 1 to and what the Court wants is to sit jurors in this case
2 who can be absolutely fair and impartial. Okay?

3 VENIRE PERSON: (Witness nods)

4 MS. MORENO: So my question to you is with
5 respect to your opinions on Israel, you talked about being
6 partial?

7 VENIRE PERSON: Yes.

8 MS. MORENO: In this case, the government
9 alleges that this charity sent humanitarian aid over to
10 the West Bank and Gaza to the occupied Palestinian
11 territories.

12 VENIRE PERSON: Yes.

13 MS. MORENO: And they claim this humanitarian
14 aid benefited the terrorist organization HAMAS. Now, do
18:00 15 you have any thoughts on that? Any opinions on that?

16 VENIRE PERSON: Well, I think the United States
17 Government has to be pretty sure of itself to make such a
18 claim. I'll say that.

19 MS. MORENO: Can I take that to mean if this
20 case has gotten this far where we're sitting here now
21 picking a jury, do you think these guys are probably
22 guilty? There is probably something to the government's
23 case here?

24 VENIRE PERSON: I think the wonderful thing
25 about America is everyone is presumed innocent until they

18:00 1 are proven guilty.

2 MS. MORENO: Okay. Let's talk about how you
3 think of that presumption of innocence as you sit here
4 today. If this case involves issues about Israel and
5 Palestine -- And I expect they will. Based upon your
6 answers in the questionnaire you already indicated you
7 already have a partiality towards Israel, and I'm asking
8 you is that a partiality that would carry you through this
9 trial?

10 VENIRE PERSON: I don't know that I could rid
11 myself completely of that partiality, no.

12 MS. MORENO: I appreciate that. Now let's
13 suppose in this case you were told you had to rid yourself
14 of that partiality. You had to forget the things you read
18:00 15 in the Bible and things you feel as an American. Could
16 you do that honestly?

17 VENIRE PERSON: It would be very hard.

18 MS. MORENO: You just mentioned the presumption
19 of innocence. And the law says these gentlemen expect and
20 are entitled to every single juror presuming them innocent
21 one hundred percent without hesitation, without
22 partiality.

23 VENIRE PERSON: Right.

24 MS. MORENO: Can you promise this Court and
25 these gentlemen that you could do that, given your ideas,

18:00 1 religious beliefs and political opinion?

2 VENIRE PERSON: I can't promise, no.

3 MS. MORENO: So you couldn't afford these
4 gentlemen the presumption of innocence.

5 VENIRE PERSON: I would like to; I can't
6 promise.

7 THE COURT: Counsel for the government have
8 questions of Ms. Brown?

9 VENIRE PERSON: Hello.

10 MR. JACKS: My name is Jim Jacks. I'm an
11 Assistant United States Attorney for the Northern District
12 of Texas. I'm one of the prosecutors in this case, and I
13 will be representing the government. I just have a few
14 questions for you as well. You mentioned that I guess in
18:00 15 your views -- when pushed that you are somewhat partial to
16 Israel in the Israeli-Palestinian conflict. Correct?

17 VENIRE PERSON: Yes.

18 MR. JACKS: Do you understand this trial is not
19 about who's right and who is wrong and that's not an issue
20 in this trial?

21 VENIRE PERSON: Yes.

22 MR. JACKS: As far as what you know about this
23 case, is it strictly from what you may have heard either
24 in a news story or a newspaper article?

25 VENIRE PERSON: Newspapers.

18:00 1 MR. JACKS: So anything that you say about the
2 case is strictly what somebody else put into a newspaper
3 article?

4 VENIRE PERSON: That's correct.

5 MR. JACKS: You haven't heard any evidence. Is
6 that true?

7 VENIRE PERSON: I have never seen anything or
8 heard anything about it, except through the newspapers.

9 MR. JACKS: All right. And those were
10 allegations in the paper, correct?

11 VENIRE PERSON: Somebody wrote what they thought
12 was true.

13 MR. JACKS: I believe you said that you believe
14 in the presumption of innocence. Is that correct?

18:00 15 VENIRE PERSON: Yes.

16 MR. JACKS: That every person is presumed
17 innocent unless and until they are proved guilty?

18 VENIRE PERSON: I believe our legal system is
19 based on that.

20 MR. JACKS: And even though this case may be
21 about material support for terrorism, would you apply that
22 presumption of innocence even in this type of a case, even
23 in this serious type of case?

24 VENIRE PERSON: Well, I said I would like to. I
25 can't promise I could.

18:00 1 MR. JACKS: Well, before you came in here and
2 were questioned by defense counsel, did you feel like you
3 were a fair and impartial juror?

4 VENIRE PERSON: Not particularly, no.

5 MR. JACKS: And in what sense did you feel like
6 you would not be a fair and impartial juror? What was it
7 that you thought would prevent you from being a fair and
8 impartial juror?

9 VENIRE PERSON: I think the papers. I think
10 what I have read in the paper has influenced me, for one
11 thing.

12 MR. JACKS: Have you ever read anything in the
13 paper that you later found out not to be true or you knew
14 even when you read it that's not what happened? Have you
18:00 15 ever experienced that?

16 VENIRE PERSON: I'm sure I have. Yes.

17 MR. JACKS: Would you be able to do that in this
18 case? To disregard whatever some newspapers wrote and
19 decide the case based on your front row seat to hear what
20 the evidence is and what the facts are?

21 VENIRE PERSON: I would try to. I would try to.

22 MR. JACKS: Do you feel like you wouldn't be
23 able to do that? You wouldn't have the discipline to do
24 that or if you could maybe share with us if there is any
25 doubt or hesitancy on your part?

18:00 1 VENIRE PERSON: I would try to be objective.
2 That's all I can say.

3 MR. JACKS: Do you understand that you are not
4 required to forget whatever you have learned? That's not
5 a requirement to be a juror.

6 VENIRE PERSON: Right.

7 MR. JACKS: The \$64,000 question I suppose is if
8 you were chosen to be on this jury, could you listen to
9 the evidence and weigh the evidence, be fair and impartial
10 to both sides and follow the Court's instructions in terms
11 of what the law is and be a fair and impartial juror.
12 Could you do that?

13 VENIRE PERSON: I would like to do that. I
14 would try to do that. As I said before, I can't promise
18:00 15 that that is the way it would be.

16 MR. JACKS: Thank you, ma'am.

17 THE COURT: Ms. Brown, we're in the process of
18 talking with the members of panel from which the jury will
19 be selected that would hear this case. That process will
20 probably continue through a good part of tomorrow. So
21 until you hear from us again, you should not discuss this
22 case with anyone or allow anyone to discuss it with you,
23 and if there are any media accounts about this trial in
24 the newspapers or on television or on the radio, you
25 should not read or watch or listen to any such media

18:00 1 accounts. Thank you, ma'am. You may be excused.

2 MS. MORENO: Your Honor, we move for cause
3 against Ms. Brown. She cannot afford the presumption of
4 innocence against these gentlemen. She indicated she can
5 not be a fair and impartial juror.

6 THE COURT: Mr. Jackson, do you have a position
7 about that?

8 MR. JACKS: No objection.

9 THE COURT: I will excuse Ms. Brown for cause.
10 Ladies and Gentlemen, due to the hour I think this will be
11 our last person to see today. As in the two preceding
12 days, I think we have made good progress today, but I'm
13 still not satisfied that we have enough people, given the
14 pendancy of these challenges for cause that I have taken
18:00 15 under advisement as well as the persons who have expressed
16 some hardship about serving in this case. So I think we
17 need to continue to process for some period of time
18 tomorrow. Perhaps all day depending on the progress we
19 make. But certainly probably until noon.

20 We had an issue left over from yesterday
21 concerning joint representation of the defendants in this
22 case, and Ms. Hollander and Mr. Cline asked overnight to
23 discuss that, and I don't know how much time it will take
24 to fully deal with that issue, but I would like to at
25 least have a progress report if counsel have made any

18:00 1 progress after overnight in how to handle this issue.

2 MR. CLINE: Your Honor, John Cline for Mr.
3 Elashi. Is it all right if I speak from here?

4 THE COURT: Yes.

5 MR. CLINE: Your Honor, the question is whether
6 Mr. Elashi is in a position to speak on behalf of the Holy
7 Land Foundation on this issue of a potential conflict.
8 Unfortunately, we don't know either of the current status
9 of the Holy Land Foundation, whether it exists even as an
10 entity or Mr. Elashi's status, if it does exist. And so
11 although he has no personal objection to the joint
12 representation, I'm afraid he cannot speak for the Holy
13 Land Foundation at this point.

14 THE COURT: Anyone else on the defense side who
18:00 15 wants to be heard on this issue? Ms. Hollander.

16 MS. HOLLANDER: Your Honor, I would just add
17 that I would agree since it's my firm at issue here. I
18 agree that's the position he takes, that there is no
19 dispute on behalf of the Holy Land Foundation.

20 THE COURT: I'm not sure I have really thought
21 through the implications of that. We do have or at least
22 I thought we had the Holy Land Foundation as a represented
23 defendant in this case; that is, represented by counsel.
24 But I'm inferring from what has been said that there is no
25 natural person as the representative of the Holy Land

18:00 1 Foundation who would be the client for the attorney who's
2 representing the Holy Land Foundation. Am I understanding
3 that correctly?

4 MS. HOLLANDER: That is correct at this time,
5 your Honor.

6 THE COURT: Let me think about that issue a
7 little more and see what I think about advising the
8 defendants of joint representation.

9 Another I guess housekeeping issue that I needed
10 to discuss with you is, as I mentioned earlier today, we
11 need to put a notice on the automated telephone system
12 that the clerk's office uses for jury communications by
13 three o'clock tomorrow afternoon as to what we're going to
14 do on Friday. And I don't yet have a good idea of how
18:00 15 much time we will need for a general voir dire session,
16 and so I don't know at what hour to schedule it to
17 commence on Friday. And also the actual method of
18 exercising peremptory challenges, as I have discussed
19 previously with counsel at our various status conferences,
20 is not really familiar to me. I have never been through
21 that before, and so I don't know how much time to
22 anticipate that process will take. So I would like some
23 guidance from counsel as to what our schedule for Friday
24 should be.

25 MR. WESTFALL: And I wanted to update you on an

18:00 1 assignment. I have now spoken with the government over
2 lunch, and we both agree in principal to this, and I will
3 submit it to the Court in writing tomorrow. I can do it
4 on a letter if that's okay. If that's not, I will file it
5 ECF.

6 THE COURT: Either way is fine with me. If a
7 letter is easier for you given the fact that this is an
8 overnight assignment, do what's easiest for you, but I
9 probably will want to file whatever you submit among the
10 records in the case. So it really doesn't matter to me
11 what form it takes.

12 MR. WESTFALL: Neither side can imagine there is
13 going to be questions submitted to the Court to ask the
14 panel. I think this has pretty much taken care of that
18:00 15 for sure. So we're envisioning the Court's general voir
16 dire that would be given in a criminal case without any
17 additional questions by attorneys or any additional
18 submitted questions by an attorney. Also an introduction
19 of the parties and reading the witness list. I'm sure
20 your general voir dire includes the role of the judge,
21 judge of the law and the role of jury and matters like
22 that that we haven't been explaining to them and then
23 finally a stern admonishment about the media. The trial
24 starts on Monday or I guess the Dallas Morning News thinks
25 it's going to start on Monday, and we look forward to

18:00 1 really ratcheting it up. I envision having that to you in
2 the morning.

3 THE COURT: Well, if that is the case, I would
4 think -- Although we're dealing with a pretty large group
5 for my courtroom, between fifty and sixty people, those
6 kinds of things to be covered in my standard voir dire
7 probably would not take more than thirty minutes to an
8 hour, I would think.

9 MR. WESTFALL: And I would think the actual
10 exercise of the peremptory challenges would be an hour or
11 less.

12 THE COURT: Refresh my memory and you may not be
13 the one to answer this so you can defer to your cocounsel
14 if you need to. But does the panel need to be here while
18:00 15 that process is done?

16 MR. WESTFALL: The panel does not technically
17 need to be here at all, your Honor. We just need to know
18 where everyone is sitting on the panel, and then if the
19 panel is not here, it would be quicker because we can
20 stand up there at the desk.

21 THE COURT: That's what I was wondering. It
22 seemed to me it might expedite things if they were not. I
23 didn't know whether they needed to be.

24 MR. WESTFALL: That would make it quicker, but
25 we need to know where everyone is sitting for sure.

18:00 1 THE COURT: It sounds like it might be a good
2 idea to start at nine o'clock Friday morning and do the
3 general voir dire session however long that takes --
4 thirty minutes or an hour -- and send the people we have
5 voir-dired in that session down to the jury assembly room
6 on the first floor and do the peremptory challenges so
7 that if we need to communicate with them -- yes, you are
8 on the jury or no, you are not -- we can notify them when
9 to be back.

10 MR. WESTFALL: I think that's a very good idea.
11 And they don't have to spend much time there.

12 THE COURT: Well, I have been thinking as I go
13 along. If anybody wants to correct me about any false
14 assumptions, now is the time to do so.

18:00 15 MR. JACKS: Judge, I think there is some
16 sentiment on this side of the room that it would be
17 helpful to have the jury panel in the courtroom and the
18 parties making the strikes at the Bench because you talk
19 to so many people and they run together. You try to make
20 notes, but there is some benefit with being able to
21 refresh your memory and being able to look out there and
22 say, oh, yeah, that's this person.

23 THE COURT: Well, I don't have any objection to
24 that. And I didn't understand Mr. Westfall to be opposed
25 to that.

18:00 1 MS. HOLLANDER: Well, the problem is the clients
2 have to have input, and that's a lot to be at the Bench.
3 I have used the struck method for years, and that's not
4 usually done. As the panel goes along, they get to make
5 choices.

6 THE COURT: It sounds like they have better
7 notes than the government does.

8 MS. HOLLANDER: I would agree with Mr. Jacks
9 would like to have a little picture.

10 MR. WESTFALL: Well, we will have an hour while
11 you instruct them.

12 THE COURT: Well, I guess we can leave that for
13 the moment. I don't think I have to make a decision about
14 that right now, and I may want to reflect on it some more
18:00 15 before making a decision.

16 Is there anything else that counsel want to
17 raise while we're together?

18 MS. MORENO: Yes, your Honor, if I may. Juror
19 Number 67, who was the juror on the first day, July 16th,
20 who was Number 6 on the list, Mr. Jacob Baccus, the Court
21 recalls yesterday that he had indicated some information.
22 I just wish to bring this to the Court's attention.
23 Indeed, we believe Mr. Baccus's wife actually made home
24 visits to the Elashi family and provided a lot of care for
25 the Elashi's youngest son who does have Down's Syndrome.

18:00 1 I wanted to confirm that. And that lasted quite a period
2 of time.

3 THE COURT: Thank you, ma'am. Go ahead.

4 MR. JONAS: Yes, your Honor, just a follow-up on
5 the issue of scheduling for next week. I have conferred
6 with the government's witness. He can be here. He would
7 be flying in Sunday night. So if the Court wishes to
8 start the Daubert hearing Monday morning, we can do that.

9 THE COURT: That would give me greater comfort I
10 think just in case this hearing takes longer than you now
11 expect. That would give us some additional cushion that
12 day.

13 MR. JONAS: Another matter we're going to have a
14 conference on, if the Court recalls the government sent a
18:00 15 letter to the Court regarding the defense request for over
16 a thousand declassification and we requested a CIPA
17 conference, and Mr. Dratel sent a letter stating the
18 defendant cannot reevaluate or reevaluate their list. We
19 will be sending a letter tonight or first thing in the
20 morning basically stating our desire for a Section 2
21 pretrial conference. So maybe we can do that Monday after
22 as well.

23 THE COURT: Perhaps, depending on how much time
24 we have. Thank you. Ladies and Gentlemen, we'll be in
25 recess until nine o'clock tomorrow morning.

C E R T I F I C A T I O N

I, Cassidi L. Casey, certify that during the proceedings of the foregoing-styled and -numbered cause, I was the official reporter and took in stenotypy such proceedings and have transcribed the same as shown by the above and foregoing Pages 567 through 829 and that said transcript is true and correct.

I further certify that the transcript fees and format comply with those prescribed by the court and the Judicial Conference of the United States.

s/Cassidi L. Casey

CASSIDI L. CASEY
UNITED STATES DISTRICT REPORTER
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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